

TOM R. WELCH

**CHARTER
LAWS OF
JACKSONVILLE**



CHARTER LAWS, 1972
Consolidated Jacksonville
2nd Revision

This is a revision of the first collection of the primary and charter laws of the consolidated government of Jacksonville and Duval County. It collects in one volume the charter of Jacksonville and the basic laws of all of the municipalities, authorities, and public agencies which were on October 1, 1968, combined into the single government of Jacksonville.

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.¹ That government matured only after a legislative-directed study commission² and a widespread public approval which adopted the new Jacksonville charter³ in 1967.

The government was not the Metro form of Miami⁴ which had retained county government, nor was it the chartered-county form much later permitted by the 1968 Florida Constitution.⁵ 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 *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 they could draw on essential urban services such as police and fire from the central government.

To conform to traditional organization of Florida state government through its legal subdivisions (the counties), Jacksonville retained the offices of sheriff, tax assessor, tax collector, and clerk of the circuit court. But these officers are now considered not only as county officers, but as officers of the consolidated government.⁶

Certain special functions are allotted to *independent agencies*⁷ appointed by the mayor or governor, while a measure of centralized control was held by the city through approval of the budgets of the agencies, and by requiring their use of the

1. Article 8, Section 9, Florida Constitution of 1885.

2. Chapter 65-1502, Laws of Florida.

3. Chapter 67-1320, Laws of Florida.

4. Article 8, Section 11, Florida Constitution of 1885.

5. Section 1, Article 8, Florida Constitution of 1968.

6. Advisory Opinions of the General Counsel of Jacksonville.

7. Duval County Hospital Authority; Duval County School Board; Jacksonville Area Planning Board; the Duval County Beaches Hospital Board; the Jacksonville Downtown Development Authority; Jacksonville Electric Authority; Jacksonville Expressway Authority; Jacksonville Port Authority; not formally declared so, but dependent on the city for certain budget functions is the Jacksonville Vocational Educational Authority.

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The government which has emerged aims at two basic ideas: government by the broadest representation of its citizens and the efficient response to urban problems.

Chapter 67-1320, Laws of Florida, is the legislative act which created consolidated Jacksonville. It became effective on October 1, 1968. Unless otherwise indicated by a historical note at the end of a section, it is that act as amended which is here republished. This revision includes legislative acts passed as late as April 1972.

Users of this work may suggest corrections and improvements to the office of the General Counsel, City Hall, Jacksonville.

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November 1, 1972

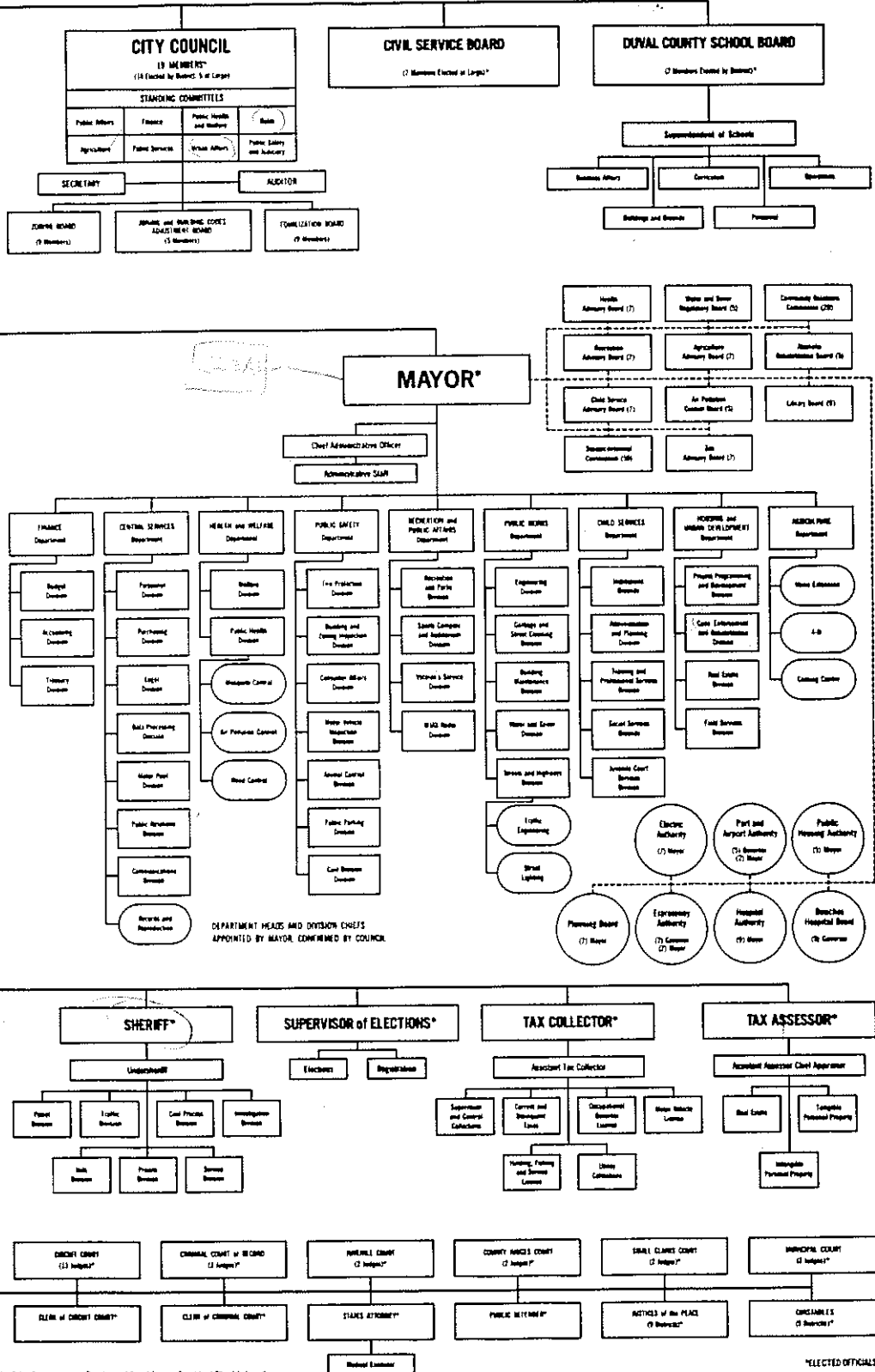
CHARTER LAWS
of the
CONSOLIDATED GOVERNMENT
of the
CITY OF JACKSONVILLE

ORGANIZATION CHART

LEGISLATIVE

EXECUTIVE

JUDICIAL



VOTERS

Revised and published by the Public Relations Section, Department of Central Services, Consolidated City of Jacksonville.

*ELECTED OFFICIALS

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Consolidated Jacksonville
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The government which has emerged aims at two basic ideas: government by the broadest representation of its citizens and the efficient response to urban problems.

In this revision, council ordinances, printed in italics, have been added to the work where their effect was a basic change or addition to the governmental structure of the city. Chapter 67-1320, Laws of Florida, is the legislative act which created consolidated Jacksonville. It became effective on October 1, 1968. Unless otherwise indicated by a historical note at the end of a section, it is that act as amended which is here republished. This revision includes legislative acts passed as late as October 1970, and ordinances of the council passed up until August 7, 1970.

Users of this work may suggest corrections and improvements to the office of the General Counsel, City Hall, Jacksonville.

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January 20, 1971

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CHARTER OF JACKSONVILLE:
Chapter 67-1320, Laws of Fla.

ARTICLE I
ONE GOVERNMENT

Section 1.01. Creation of a Single Government. The county government of Duval County, the city of Jacksonville, the city of Jacksonville Beach, the city of Atlantic Beach, the city of Neptune Beach and the town of Baldwin, the Duval County air improvement authority, the east Duval County mosquito control district, and the northeast Duval County mosquito control district (all of which are herein called the "former governments"), and all boards, bodies and officers of such former governments, are hereby consolidated into a single body politic and corporate pursuant to the power granted by section 9 of article VIII of the Constitution of the state of Florida. The name of the new consolidated government shall be the city of Jacksonville (herein called the "consolidated gov-

ernment"). The consolidated government shall, without other transfer, succeed to and possess all the properties (of whatever nature), rights, capacities, privileges, powers, franchises and immunities, and be subject to all of the liabilities, obligations and duties of the former governments from and after the effective date of this charter. The consolidated government shall have perpetual existence, and shall have only such officers, departments and boards as are provided in this charter or are hereafter created pursuant to this charter.

Section 1.02. Territory of Consolidated Government. The consolidated government shall have jurisdiction, and extend territorially throughout the present limits of Duval County.

ARTICLE 2
GENERAL AND URBAN SERVICES
DISTRICTS

Section 2.01 Services Districts and Their Areas. The territory of the consolidated government shall be divided into a general services district and five urban services districts. The general services district shall consist of the total area within the consolidated government, which is the total area of Duval County. The first urban services district shall initially consist of the area which immediately prior to the effective date of this charter was included in the corporate limits of the former city of Jacksonville. The second, third, fourth and fifth urban services districts shall initially consist of the areas which immediately prior to the effective date of this charter were included in the corporate limits of the city of Jacksonville Beach, the city of Atlantic Beach, the city of Neptune Beach and the town of Baldwin, respectively.

History: Amended by Ch. 67-1535, Laws of Fla.

Section 2.02. Expansion of the First Urban Services District. The area 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 area of the consolidated government outside the urban services districts needs urban services and the consolidated government is able to provide such services. No area may be designated as part of the first urban services district unless the consolidated government provides to such area 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 one year after the particular area is included in the first urban services district. The tax levy on property in areas 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 area became a part of the first urban services district.

History: Amended by Ch. 67-1535, Laws of Fla.

Section 2.03. Consolidation of Urban Services Districts.

(a) The five (5) initial urban services districts, or any of them, may be consolidated into one or more other urban services by ordinance adopted by two-third ($\frac{2}{3}$) of the members of the council. Before the consolidation 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.

(b) 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.

Nothing in this section shall be construed to affect the provisions of subsection (2) of Section 1 of Chapter 67-1535, Laws of Florida, the same being Article 2A of the Charter of the City of Jacksonville.

History: Sec. 2.03 was amended by Chapter 69-1167, Laws of Florida.

Section 2.04. Services in the 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 and is not intended to limit the rights of the consolidated government to perform other governmental services within the general services district.

History: Amended by Ch. 67-1535, Laws of Fla.

Section 2.05. Additional Services in Urban Services Districts. In addition to the services provided to the general services district, the consolidated government shall furnish the following additional services within the urban services districts; 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 urban services districts and is not intended to limit the rights of the consolidated government to perform other governmental services within the urban services districts.

History: Amended by Ch. 67-1535, Laws of Fla.

Section 2.06. Homestead Law. That part of the general services district not included on the effective date of this charter in the urban services districts 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.

History: Amended by Ch. 67-1535, Laws of Fla.

ARTICLE 2A

SPECIAL PROVISIONS RELATING TO THE SECOND, THIRD, FOURTH AND FIFTH URBAN SERVICES DISTRICT

Section 2A.01 Statement of Intent. Although the former governments of the cities of Jacksonville Beach, Atlantic Beach, and Neptune Beach, and the town of Baldwin have been consolidated into the consolidated government it is the intent and purpose of this charter to preserve for the people residing in the second, third, fourth and fifth urban services districts the same local governmental structure, boards, bodies, officers and laws which existed in those areas prior to the effective date of this charter.

History: Added by Ch. 67-1535, Laws of Fla.

Section 2A.02. Boards, Bodies and Officers. Notwithstanding any other provision of this charter, the second, third, fourth and fifth urban services districts shall each have the same boards, bodies and officers as the former government which occupied the area of such urban services district immediately prior to the effective date of this charter. The persons who were officers and members of boards and bodies of former governments in the second, third, fourth and fifth urban services districts immediately prior to the effective date of this charter shall occupy the same positions in those urban services districts, and shall be entitled to the same compensation therefor. All such boards, bodies and officers of the second, third, fourth and fifth urban services districts shall continue to be elected at the times, in the manner, and for the terms which were provided under the respective municipal charters of the former governments in those urban services districts. All such boards, bodies and officers shall continue to have the same powers and duties which they had under the respective municipal charters of the former governments.

History: Added by Ch. 67-1535, Laws of Fla.

Section 2A.03. Powers and Duties of Second,

Third, Fourth and Fifth Urban Services Districts. Notwithstanding any other provisions of this charter, the second, third, fourth and fifth urban services districts shall each have such powers and duties, and only such powers and duties, as the former government which occupied the area of such urban services district had immediately prior to the effective date of this charter, and such additional powers and duties as are hereby granted to or imposed upon municipalities under the Constitution or the general laws of the State of Florida.

History: Added by Ch. 67-1535, Laws of Fla.

Section 2A.04. Names. The second urban services district shall be known as, and entitled to use the name of, the city of Jacksonville Beach. The third urban services district shall be known as, and entitled to use the name of, the city of Atlantic Beach. The fourth urban services district shall be known as, and entitled to use the name of, the city of Neptune Beach. The fifth urban services district shall be known as, and entitled to use the name of the town of Baldwin.

Section 2A.05. Applicability of Certain Laws. All special and general laws which applied to the former governments which occupied the areas of the second, third, fourth and fifth urban services districts immediately prior to the effective date of this charter shall apply to the government, boards, bodies and officers of the second, third, fourth and fifth urban services districts, as if the municipal charters of those former governments were still in force and effect.

History: Added by Ch. 67-1535, Laws of Fla.

Section 2A.06. Property. The second, third, fourth, and fifth urban services districts shall each be entitled to the use of the property re-

ceived by the consolidated governments from the former government which occupied such urban services district, and the boards, bodies and officers of each such urban services district shall be entitled to deal with, encumber, and transfer such property on behalf of the con-

solidated government. The second, third, fourth and fifth urban services districts shall each be entitled to own, acquire, encumber and transfer property in its own name, by the duly authorized action of its boards, bodies and officers.

History: Added by Ch. 67-1535, Laws of Fla.

ARTICLE 3 POWERS OF THE CONSOLIDATED GOVERNMENT

Section 3.01. General Powers. The consolidated government shall have: (1) any and all powers which cities are, or may hereafter be, authorized or required to exercise under the Constitution or the general laws of the state of Florida, as fully and completely as though the powers were specifically enumerated herein; (2) any and all powers which counties are, or may hereafter be, authorized or required to exercise under the Constitution or the general laws of the state of Florida, as fully and completely as though the powers were specifically enumerated herein; (3) any and all powers which any of the former governments possessed immediately prior to the effective date of this charter. Any and all power which any former government possessed which are powers of the consolidated government by virtue of this section may be exercised by the consolidated government throughout Duval County.

Section 3.02. Specific Powers. Without limiting the generality of the provisions of section 3.01 above, the consolidated government shall have power:

1. To levy and collect taxes upon all property except property exempt from taxation by general law.
2. To levy and collect taxes upon all taxable privileges and to license and regulate such privileges and privileged occupations except as prohibited by law.
3. To make appropriations for the support of the consolidated government, for any other purpose authorized by this charter and for any purpose for which a county or city is authorized by general law to appropriate; and to provide for the payment of the debts and expenses of the former governments to which it is the successor.
4. To borrow money for governmental purposes, subject to the limitations of the Constitution of the state of Florida.
5. To make special assessments within the consolidated government.
6. To accept or refuse gifts, donations, bequests or grants from any source for any purpose related to the powers and duties of the consolidated government.
7. To provide and maintain a system of pensions and retirement for officers and employees of the consolidated government and the former governments to which it is the successor.

8. To collect service charges to defray installation costs and operating expenses incurred to furnish beyond the limits of the urban services districts services which are a function of the urban services districts.
9. To enter into contracts and agreements with other governmental entities and with private persons, firms and corporations providing for services to be furnished and payments to be received therefor or for services to be received and payments to be made therefor.
10. To make regulations and take actions to promote the general health, welfare and safety of the inhabitants and to prevent, abate and remove nuisances.
11. To establish, maintain and operate public hospitals, sanatoria, convalescent homes, clinics and other public institutions, homes and facilities for the care of children, sick, the mentally deficient, the aged, and the destitute.
12. To collect and dispose of garbage and other refuse and to regulate the collection and disposal of garbage by others.
13. To acquire, own, maintain and operate public parks, playgrounds and other recreation facilities and to equip and improve them with all suitable devices, buildings and other structures.
14. To provide for and operate, or aid in the support of, public libraries.
15. To lay out, open, extend, widen, narrow, establish or change the grade of, close, construct, pave, curb, gutter, adorn with shade trees, otherwise improve, maintain, repair, clean and light streets, roads, alleys and walkways.
16. To take and appropriate real property within the area of the consolidated government for any public purpose, when the public convenience requires it and the taking is in accordance with general law.
17. To purchase, lease, construct, maintain or otherwise acquire, hold and operate other property, real or personal, for any public purpose, and to sell, lease or otherwise dispose of any property, real or personal, belonging to the consolidated government in such manner and upon such terms as the council shall determine.
18. To build, purchase, maintain, and oper-

- ate sewers and sewage disposal systems, waterworks, transportation facilities, and any other public utility; to fix such rates and provide for the making of such charges and assessments as are deemed necessary for the proper furnishing of such services; and to provide liens or penalties and withdrawal of service for refusal or failure to pay for utility services provided by the consolidated government. *Ed Note: Comprehensive regulatory authority over private sewer and water systems was later granted by Ch. 69-1166, Laws of Fla.*
19. To regulate the erection of buildings and all other structures, to compel the owner to provide and maintain fire escapes and other safety features, and to provide fire districts or zones and building zones; to prohibit, regulate or suppress, or provide for the destruction and removal of any building or other structure which may be or become dangerous or detrimental to the public.
 20. To fix the fares or rates to be charged for carriage of persons by any vehicle held out to the public use for hire within the area of the consolidated government; to require indemnity bonds issued by surety companies or indemnity insurance policies to be filed by the owner or operator of such vehicle for the protection of any person against loss by injury to person or property; and to make regulations with respect to the operation of such vehicles.
 21. To grant rights-of-way through the streets and roads, and over the bridges and viaducts, for the use of public utilities.
 22. To regulate the operation of motor vehicles and exercise control over traffic, including parking, on the public streets, roads, alleys and walkways of the consolidated government.
 23. To establish standard weights and measures; and to provide standards of quality for food products offered for human consumption.
 24. To provide for the inspection and weighing or measuring of lumber, building material, stone, coal, wood fuel, hay, corn, grain, and other products.
 25. To provide for the protection of, and prevent cruelty to, children and animals.
 26. To regulate or prohibit junk dealers, pawn shops; the manufacture, sale or transportation of intoxicating liquors; the use and sale of firearms; the use and sale of firecrackers and fireworks; the transportation, storage and use of combustible, explosive and inflammable materials; the use of lighting and heating equipment; and any other business or situation which may be dangerous to persons or property.
 27. To prevent and punish vice, obscenity, immorality, vagrancy, drunkenness, riots, disturbances, disorderly houses, bawdy houses, gambling and gambling houses, lewd exhibitions, disorderly conduct, the carrying of concealed weapons, and breaches of the peace.
 28. To establish, maintain and operate a jail and a workhouse.
 29. To regulate the emission of smoke, the installation and maintenance of fuel burning equipment, and the methods of firing and stoking furnaces and boilers, and to generally regulate air pollution and ambient air pollution levels notwithstanding any other provision of local or special law.
History: Amended by Ch. 72-572, Laws of Florida.
 30. To regulate, by license or otherwise, all skilled craftsmen and their work.
 31. To pass ordinances necessary for the health, convenience, safety and general welfare of the inhabitants, and to carry out the full intent and meaning of this charter as fully as if specifically authorized.
 32. To provide misdemeanor penalties for violations of any ordinance adopted pursuant to the authority of this charter or general law.
 33. All powers are granted subject to this charter and the Constitution and general laws of Florida.
 34. To impose by ordinance upon any garbage service which is regulated by the City, a regulatory fee of up to 1½% of the gross receipts of persons or firms so regulated, to defray the cost of such city regulation.
History: New; Added by Chapter 71-707, Laws of Florida.
- In addition, the consolidated government shall have the other specific powers set forth elsewhere in this charter.

Section 3.03. Construction. The powers of the consolidated government shall be construed liberally in favor of the consolidated government. The specific mention, or failure to mention, particular powers in this charter shall not be construed as limiting in any way the general power of the consolidated government as stated in this article. It is the intention hereof 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 area and all of the affairs of the consolidated government.

ARTICLE 4

DIVISION OF POWERS

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.

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.

ARTICLE 5 THE COUNCIL

Section 5.01. Council Membership and Districts. The council shall consist of 19 members and there shall be 14 council districts. Each council district shall elect one councilman. The initial council districts are described in Appendix 1 to this charter. Five (5) council members shall be elected at large in the consolidated government, by numbered groups.

Section 5.02. Reapportionment of Council Districts. Within six months after publication of each official federal or state census of Duval County the Jacksonville-Duval area planning board shall apportion the 14 council districts so that all districts are as nearly equal in population and are arranged in a logical and compact geographic pattern to the extent possible. If the Jacksonville-Duval area planning board shall be unable to complete the apportionment of the council districts within six months after the official publication of any census, the city attorney shall petition the circuit court for the Fourth Judicial Circuit to make such apportionment. Any reapportionment of the council districts made pursuant to this section shall not affect any term of office in existence at the date of such reapportionment, but shall be applicable only to the next succeeding general election.

Section 5.03. Terms of Councilmen. Councilmen shall serve for a term of four years beginning on the first day of July after their election, and continuing after such term until their successors are elected and qualified.

Section 5.04. Qualifications and Compensation of Councilmen. Members of the council shall be qualified electors of the consolidated government, and the fourteen (14) council members elected from districts shall have been residents of the council districts from which they are elected for at least six (6) months prior to the date on which they qualify to run for the office of councilman. Councilmen shall not hold any other public office or public employment except as notary public or as a member of the armed service.

Councilmen shall receive an annual salary to be fixed by the council.

History: Amended by Chapter 71-698, Laws of Florida.

Section 5.05. Vacancies. The office of a councilman shall become vacant upon his death, resignation, or removal from office in any manner authorized by law. A vacancy in the council which occurs more than two (2) years prior to the date of the next general consolidated government election shall be filled for the remainder of the unexpired term by a special election pursuant to article 17 of this charter. Whenever the vacancy occurs within two (2) years of the next general consolidated government election the council, by a majority vote of all of its remaining members, shall appoint a qualified person to fill the vacancy for the remainder of the unexpired term.

Section 5.06. Powers. All legislative powers of the consolidated government are vested in the council, and the council shall have the right to legislate with respect to any and all matters which are within the powers of the consolidated government.

The council shall review the budgets of, and appropriate money to, the consolidated government and any independent agencies which request appropriations from the consolidated government in accordance with article 15 of this charter. The council shall also levy taxes as required to meet the budgets approved by it in accordance with article 15, and shall fix the salaries of the tax assessor, tax collector, the sheriff, the supervisor of elections, the clerk of the circuit court for Duval county, and the clerk of the criminal court for Duval county. In setting the salaries of these officials, the council shall not set any salary lower than the highest salary provided for that office as set by the charter of the city of Jacksonville, and effective on October 1, 1968, or as set 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, or as the salary was fixed on October 1, 1968 by general or special law. No salary set by the council under this section shall be reduced during the term of office of the elected official receiving that salary.

History: The second unnumbered paragraph of section 5.06 was added by Ch. 69-1175, Laws of Fla.

The council shall be the judge of the elections and qualifications of councilmen.

The council shall also have such other powers as are given to it elsewhere in this charter.

The council shall provide for payment of reasonable per diem and travel expenses incurred in travel and other duties performed for public purposes 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 officials and employees thereof, subject to the following limitations:

(1) Subsistence for meals shall not exceed twelve dollars (\$12) per day; and

(2) Lodging and incidental travel expenses shall not exceed reasonable, actual and necessary expenses, accompanied by receipt or sworn voucher. For this purpose, a reasonable expense means the most economical expense available, consistent with the duties to be performed.

History: Added by Chapter 71-698, Laws of Florida.

Section 5.07. Meetings. 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. The council may enact ordinances and resolutions only at meetings open to the general public. The council shall, at the first meeting in each year, select one of its members as the president of the council and one of its members as president pro tempore. The president of the council shall preside at all meetings of the council during the year in which he is elected, and in his absence the president pro tempore shall preside. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. Fourteen members of the council shall constitute a quorum. The council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record.

Section 5.08. Council to Act Only by Ordinance or Resolution. The council may take official action only by the adoption of ordinances or resolutions. Each proposed ordinance or resolution shall be introduced in writing and shall not contain more than one subject which shall be clearly stated in the title, except that general appropriation ordinances shall be entitled as such and may, but need not, contain the various subjects and accounts for which moneys are being appropriated. No ordinance or resolution shall be passed until it has been read on three separate days, except that the council may, by two-thirds vote of the members present at any meeting, declare a resolution or ordinance to be an emergency measure and pass such resolution or ordinance without regard to any reading on separate days. The affirmative vote of the majority of the members of the council present at any meeting shall be necessary to adopt any ordinance or resolution, unless otherwise specifically provided herein.

Section 5.09. Authentication and Recording of Ordinances and Resolutions. The secretary of the council shall authenticate by his signature and record in full, in a properly indexed book kept for

the purpose, all ordinances and resolutions adopted by the council and the same shall at all times be a public record. The council shall make such further arrangements as it deems desirable with respect to the reproduction, distribution and codification of such ordinances and resolutions as it may have adopted.

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. 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 auditor shall:

(a) Examine the accounting systems used by all offices and departments of the consolidated government and all 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.

(b) Conduct a continuous internal audit of the fiscal operations of the consolidated government and all independent agencies.

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

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 four 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.

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.

Section 5.13. 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 one thousand dollars (\$1,000) or by imprison-

ment of not more than sixty (60) days, or both.

Section 5.14. Exception for Second, Third, Fourth and Fifth Urban Services Districts. Notwithstanding the provisions of Sections 5.10 and 5.11, the auditor shall have no duties concerning the accounting systems or audits, and the Council shall not provide an independent audit of, the second, third, fourth and fifth urban services districts or their boards, bodies or officers.

History: Sec. 5.14 was added by Ch. 67-1535, Laws of Fla.

ARTICLE 6 THE MAYOR

Section 6.01. Qualifications and Term of Office. The mayor shall be a qualified elector of Duval County and a resident of Duval County, and shall have resided in Duval County for at least five (5) years prior to the date on which he qualifies to run for the office of mayor. If he shall cease to possess any such qualifications during his term of office he shall forthwith forfeit the office and the council shall remove him therefrom. He shall be elected for a period of four (4) years and shall assume office on the first day of July following his election, and serve until his 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 entire time to the performance of the duties of his office, and shall hold no other public office or public employment.

Section 6.02. Compensation. The salary of the first mayor shall be thirty thousand dollars (\$30,000) per year. Thereafter the council may by ordinance change the salary of the mayor, but no ordinance shall be effective to reduce or increase the salary of the mayor during any term of the mayor unless adopted or approved by the council at least ninety (90) days prior to the consolidated government primary election immediately preceding such term.

Section 6.03. Powers and Duties of the Mayor. The executive power of the consolidated government shall be vested in the mayor and the departments and boards created hereby or pursuant hereto. The mayor shall be 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 ordinance or resolution hereafter. The mayor shall appoint all directors and deputy directors of departments and shall appoint the chief of each division within such department. All directors and deputy directors of departments and all division chiefs appointed by the mayor 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 as provided for in article 15 of this charter.

Section 6.04. 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.
- (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.

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 item 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 ten (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.

Section 6.05. Vacancy in the Office of Mayor. If the mayor shall 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 which occurs more than two (2) years prior to the next general consolidated government election shall be filled for the remainder of the unexpired term by a special election pursuant to section 17.06 of this charter. If a general consolidated government election will occur within two (2) years of the date on which the vacancy occurs, the president of the council shall serve as mayor until his successor is elected and qualified. If the president of the council shall decline to serve, the council shall select the person to serve as mayor until his successor is elected and qualified. If the president of the council or any councilman becomes mayor pursuant to this section, he shall cease to be a councilman during his term as mayor, and his seat on the council shall become vacant.

Section 6.06. 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.

History: Amended by Chapter 71-694, Laws of Florida.

Section 6.07. Mayor's Absence or Incapacity. 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 as the mayor may designate. If the mayor becomes incapable of acting as the mayor and incapable of delegating his duties, the president of the council shall automatically become acting mayor, with all powers of the office. If both 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, the president pro tempore 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.

History: Ch. 70-748, Laws of Fla.

ARTICLE 7

DEPARTMENTS

Chapter 1

General Provisions

Section 7.101. Initial Departments. The following executive departments are hereby established as the initial executive departments of the consolidated government:

- (1) finance department
- (2) central services department
- (3) health and welfare department
- (4) public safety department
- (5) recreation and public affairs department
- (6) public works department
- (7) agriculture department
- (8) department of child services

Section 7.102. 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.

Section 7.103. Divisions 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.

Section 7.104. 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 chiefs, may be made only 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 7, except the provisions of sections 7.102, 7.103 and 7.104.

History: Amended by Chapter 70-743 and Chapter 72-578, Laws of Florida.

Chapter 2
Finance Department

Section 7.201. General. The finance department shall administer and be responsible for the financial affairs of the consolidated government in accordance with the provisions of this charter and applicable ordinances. The director of finance shall be the head of the finance department. The finance department shall include the budget, accounting, treasury, and collection divisions.

Section 7.202. Director of Finance. The director of finance shall have a college degree, proven administrative ability, and a well founded reputation in public finance or a record of exceptional performance for at least five (5) years as a comptroller or financial aide of a large business, or commensurate training and experience.

History: Amended by Ch. 67-1547, Laws of Fla., to add "or commensurate training and experience."

Section 7.203. Powers and Duties of the Director of Finance. The director of finance shall be responsible to the mayor for the administration of the financial affairs of the consolidated government and to that end shall supervise all divisions of the finance department.

The director of finance shall:

- (a) Compile the proposed budget of the consolidated government as provided in article 15 of this charter.
- (b) Maintain accounting systems for the consolidated government, in accordance with generally recognized governmental accounting principles and procedures, keeping accounting records and exercising financial and budgeting controls.
- (c) Prescribe the accounts to be kept by the consolidated government, the form of receipts, vouchers, bills or claims, warrants, requisitions, purchase orders or any financial stationery to be used, and provide suitable instructions for the use thereof.
- (d) Prescribe the times and the manner in which moneys received by the consolidated government shall either be paid to the treasurer or deposited in a bank account to the credit of the consolidated government.
- (e) Examine all contracts, purchase orders and other documents which would result in or involve financial obligations against the consolidated government, and approve the same only upon ascertaining that there is an unexpended, unencumbered and unimpounded balance in each appropriation and allotment to which they are applicable sufficient to cover such potential obligation.

- (f) Audit before payment all bills, invoices, payrolls and other claims, demands or charges against the consolidated government and approve the same only if duly authorized by appropriations or allotments of appropriations.
- (g) Submit a monthly financial report to the mayor, for presentation to the council, showing the financial condition of the various funds of the consolidated government, as well as the condition of all items included in the adopted annual operating budget, including estimated revenues, revenues received, appropriations and allotments for such appropriations.
- (h) Prepare a complete annual report of the financial activities of all funds of the consolidated government.
- (i) Instruct the treasurer to invest moneys of the consolidated government from time to time as may be appropriate.
- (j) Designate banks and other depositories in which consolidated government funds shall be deposited and municipal, state and federal securities which shall constitute legal investments for the consolidated government.
- (k) Provide for a central records retention program.
- (l) Perform such other duties as may be assigned to him by this charter, by the mayor or by ordinance.

Section 7.204. Budget Division. The budget division shall have general responsibility for preparing and reviewing budgets of the consolidated government. The budget officer shall be the division chief of the budget division. The budget officer shall have a college degree in accounting and at least five (5) years' experience in budget preparation, administration and accounting systems, or commensurate training and experience. The budget officer shall compile, under the supervision of the director of finance, the departmental estimates and other data necessary or useful to the mayor and the director of finance, and assist in the preparation of the budgets. He shall examine from time to time the officers, departments and boards of the consolidated government in relation to their organization, personnel and other requirements, ascertaining the manner in which their respective budgets are being carried out and their functions performed. He shall call the attention of the department directors and the mayor to any improvements or economies which might be made in the administrative practices of the consolidated government and cooperate in the preparation of budget estimates for the ensuing fiscal year.

History: Amended by Ch. 67-1547, Laws of Fla., to add "or commensurate training and experience."

The budget officer shall carry on a continuous research program in systems and methods so as to keep current in all phases of data processing

and business methods. He shall make recommendations from time to time to the director of finance for utilizing to advantage the newest equipment and methods. The budget officer with the advice and assistance of the city accountant, shall prepare, revise and maintain a proper standard procedure instruction manual to be followed by all officers, departments and boards of the consolidated government to insure uniform accounting and budgetary procedures.

Section 7.205. Accounting Division. The accounting division shall be responsible for the general accounting system and records of the consolidated government. The city accountant shall be the division chief of the accounting division. The city accountant shall have a college degree in accounting and at least five (5) years' supervisory experience in general accounting or internal auditing, or commensurate training and experience. The city accountant shall maintain a general accounting system and such cost accounting records as shall be required by the director of finance and budgetary control records designed to prevent expenditures in excess of appropriations or allotments. He shall prepare disbursement warrants and conduct a thorough preaudit to all claims on all funds, including payrolls, before payment and shall maintain a current audit control over cash receipts.

History: Amended by Ch. 67-1547, Laws of Fla., to add "or commensurate training and experience."

Section 7.206. Treasury Division. The treasury division shall be responsible for the custody, investment, and disbursement of all funds belonging to the consolidated government. The treasurer shall be the division chief of the treasury division. The treasurer shall have a college degree and at least five (5) years' experience in which the supervision of fiscal affairs shall have been his major responsibility, or commensurate training and experience. The treasurer shall supervise and be responsible for the custody and disbursement of all funds belonging to or in the possession of the consolidated government except as otherwise provided in this charter or by ordinance or general or special law not inconsistent with this charter. Moneys shall be paid by the treasury division only on vouchers which have been approved by the accounting division. The treasurer shall invest consolidated government funds, whenever any excess funds are available for that purpose, in legal investments approved by the director of finance. The treasurer shall make every endeavor to secure interest on consolidated government funds, and shall manage such funds in the best interests of the consolidated government. At the close of each fiscal year the treasurer shall prepare a statement of the total amount of interest received on consolidated government funds during the year, and the average amount of consolidated government funds invested per day during the year. Such

statement shall be submitted to the director of finance, who may make corrections or additions, and who shall submit the statement to the council

and the mayor.

History: Amended by Ch. 67-1547, Laws of Fla., to add "or commensurate training and experience."

Chapter 3

Central Services Department

Section 7.301. General. The central services department shall include the purchasing, legal services, motor pool, data processing, public relations and communications divisions. The director of central services shall be the head of the central services department and shall have the responsibility for the management, operation and control of all central services established by the consolidated government and furnished to all independent agencies, except the services of the personnel department.

History: Ch. 70-743, Laws of Fla.

Section 7.302. Director of Services. The director of services shall have a college degree, proven administrative ability, and at least five (5) years' experience in an executive or administrative position, or commensurate training and experience.

History: Amended by Ch. 67-1547, Laws of Fla., adding the last five words.

Section 7.303. 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 charter. 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.

History: Ch. 70-743, Laws of Fla.

Section 7.304.

History: Repealed by Chapter 70-743, Laws of Fla.

Section 7.305. Purchasing Division.

Note: Amended by ordinance; see Jacksonville Municipal Code.

Section 7.306. Legal Division.

Note: Amended by ordinance; see Jacksonville Municipal Code.

Section 7.307. Motor Pool Division. The motor pool division shall provide motor vehicle services to the consolidated government and to all independent agencies. The motor pool officer shall be the division chief of the motor pool division. He shall have at least five (5) years' experience in an administrative or executive position in the operation of motor pools or similar operations, or commensurate training or experience. The motor pool officer shall be responsible for providing motor vehicle services operation and maintenance to consolidated government and to all independent agencies. The motor pool officer shall cooperate with the chief purchasing officer in the purchase and sale of all equipment necessary to provide motor vehicle services to the consolidated government and to independent agencies. All motor vehicles, when not dispatched on official business of the consolidated government, shall be housed in the designated motor pools of the consolidated government.

Section 7.308. Information Services Division.

Note: Amended by ordinance; see Jacksonville Municipal Code.

Chapter 4

Health, Welfare and Bio-Environmental Services Department

Section 7.401. General.

Note: Amended by ordinance; see Jacksonville Municipal Code.

Section 7.402. Director of Health, Welfare and Bio-Environmental Services.

Note: Amended by ordinance; see Jacksonville Municipal Code.

Section 7.403. Public Health Division — a Local Health Unit Under Chapter 154, Florida Statutes.

A. The public health division shall be a fulltime local health unit under the provisions of chapter 154, Florida Statutes. The public health officer shall be the director of the local health unit. He shall be a doctor of medicine eligible for licensure to practice in the state of Florida. The director and personnel of the local health unit shall be employed and their duties and compensation fixed and

determined in accordance with the provisions of section 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 bio-environmental services department.

B. In order to effectuate the orderly conversion of the public health division into and its establishment as a fulltime local health unit:

Election to Become State Employees

1. 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 local 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:

Classification and Salaries

(a) 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:

Pensions

(b) 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 section 121.021 (34), Florida Statutes, 1970 supplement, shall participate in said retirement system as provided in section 121.051, Florida Statutes, 1970 supplement, and may receive credit for past municipal service as provided in section 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% of the employee's total contributions into the city pension fund, and a like amount as the employers 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.

Other Benefits

(c) (1) 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 division of health, 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 division of health. 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 division of health will provide the consolidated city of Jacksonville with an affidavit regarding the recorded and unused transferable leave credits accrued 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.

(2) 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 division of health 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 state division of health.

(d) 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, rights, and privileges of city employees who do not elect to transfer to the state career system.

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 Bio-Environmental Department shall not be impaired or reduced and they shall retain such positions or classifications with the same rights of promotion, status, increases in salary or any other rights, privileges and guarantees as provided by the Civil Service System of the City of Jacksonville for employees who are subject to said system.

3. All employees hired on or after the effective date of this act in the local health unit herein created shall be members of the state career service system and the Florida retirement system without any election.

C. All monies appropriated by the city for the operation and maintenance of the local 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 local health unit shall be paid to the division of health of the department of health and rehabilitative services, or any successor

state agency, for deposit with the state treasurer in the full-time local 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 local 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 were actually deposited into the full-time local health unit trust fund.

D. The council may not vary, alter or abolish any provisions contained in this section 7.403, notwithstanding the provisions of section 7.104 of this charter.

Administrative and logistical support to the local 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 local health unit trust fund.

History: Added by Chapter 71-709, Laws of Florida, and Amended by Chapter 71-703, Laws of Florida.

Chapter 5

Public Safety Department

Section 7.501. General.

Note: Amended by ordinance; see Jacksonville Municipal Code.

Section 7.502. Director of Public Safety. The director of public safety shall have a college degree, proven administrative ability and at least five (5) years' administrative experience in the fields of law enforcement, public safety, or commensurate training and experience.

History: This section was amended by Ch. 67-1547, Laws of Fla.

Section 7.503. Powers and Duties of the Director of Public Safety. The director of public safety shall be responsible, under the supervision of the mayor, for the management, operation and control of public safety in the consolidated government.

Section 7.504. Fire Protection Division. The fire protection division shall be responsible for providing fire protection for the consolidated government.

(a) The urban fire chief shall be the chief of the first fire protection division for the urban services districts. He shall have at least five (5) years' experience in the administration of a metropolitan fire department, or commensurate training and experience.

History: Last 5 words added by section 11, Ch. 67-1547, Laws of Fla.

(b) The general services fire chief shall be the chief of the second fire protection division for the general services district. He shall have at least five (5) years' experience in the administration of a fire department, or commensurate training and experience.

History: Last 5 words added by Ch. 67-1547, Laws of Fla.

(c) When an expansion of the urban services districts or an expansion of the territorial limits of the first fire protection division occurs:

(1) The first fire protection division shall succeed to and possess all the properties, property rights and liabilities of the second fire protection division within the expanded territorial limits;

(2) The employees of the second fire protection division stations succeeded to shall become employees of the first fire protection division;

(3) The director of public safety may shift from the second fire protection division employees who are on the staff of the general services fire chief to the first fire protection division necessary to effect a sufficient administration of the stations within the expanded territorial limits.

History: This subsection was amended by Ch. 67-1547, Laws of Fla.

(d) The council may expand the territorial limits of the first fire protection division without expanding the first urban services district.

Section 7.505. Building and Zoning Inspection Division.

Note: Amended by ordinance; see Jacksonville Municipal Code.

Section 7.506. Weights and Measures Division. The weights and measures division shall enforce and administer all laws and ordinances regulating weights and measures. The weights and measures officer shall be the division chief of the weights and measures division. He shall have at least three (3) years' administrative experience.

Section 7.507. Civil Defense Division. The civil defense division shall be responsible for civil defense in accordance with and in support of the national and state civil defense plans and programs. The civil defense director shall be the division chief of the civil defense division. He shall have had at least five (5) years' administrative or executive experience.

Section 7.508. Animal Control Division.

Note: Amended by ordinance; see Jacksonville Municipal Code.

Section 7.509. Public Parking Division.

Note: Amended by ordinance; see Jacksonville Municipal Code.

Section 7.510. Motor Vehicle Safety Inspection Division.

Note: Amended by ordinance; see Jacksonville Municipal Code.

Chapter 6

Recreation and Public Affairs Department

Section 7.601. General. The recreation and public affairs department shall be responsible for the administration and operation of the recreation and public affairs facilities and programs of the consolidated government. The director of recreation and public affairs shall be the head of the recreation and public affairs department. The recreation and public affairs department shall include the recreation and parks, veterans service office, and radio station WJAX divisions.

Section 7.602. Director of Recreation and Public Affairs. For a transition period of two (2) years the superintendent of the Jacksonville recreation department shall be the director of recreation and public affairs. After the two (2) year transition period this position shall require a college degree and five (5) years of experience as an executive in recreation or an allied field.

Section 7.603. Powers and Duties of the Director of Recreation and Public Affairs. The director of recreation and public affairs shall have the responsibility for the management, operation and control of recreation and informational facilities and programs established by the consolidated government.

Section 7.604. Recreation and Parks Division. The recreation and parks division shall be responsible for planning, promoting, organizing, administering and operating all parks, the zoo; the consolidated government's recreation facilities; and all other recreation areas and programs of the consolidated

government. The superintendent of the Duval County recreation department shall be the division chief of the recreation and parks division. He shall have a college degree and at least five (5) years' experience in an executive or administrative position in recreation or an allied field.

Section 7.605. Sports Complex and Auditorium Division. The sports complex and auditorium division shall be responsible for planning, promoting, organizing, administering, and operating the consolidated government's sports complex and auditorium facilities which includes the Gator Bowl, Wolfson Baseball Park, Durkee Field, Coliseum, and the Auditorium. The director (or acting director) of the Gator Bowl Sports Complex shall be the division chief of the sports complex and auditorium division. He shall have a college degree and at least five (5) years' experience in an executive or administrative position in organized athletics or an allied field, or commensurate training and experience.

History: Last 5 words added by Ch. 67-1547, Laws of Fla.

Section 7.606. Veterans Service Division.

Note: Amended by ordinance; see Jacksonville Municipal Code.

Section 7.607. Radio Station WJAX Division. The radio station WJAX division shall operate the radio broadcasting station facilities of the consolidated government. The manager of radio station WJAX shall be the division chief of the radio station WJAX division.

Chapter 7

Public Works Department

Section 7.701. Public Works Department. The public works department shall be responsible for planning, construction and administration of all public works in the consolidated government. The director of public works shall be the head of the public works department. The public works department shall include the engineering, streets and highways, garbage and street cleaning, building maintenance and water and sewer divisions.

Section 7.702. Director of Public Works. The director of public works shall be a registered professional engineer and shall have had at least five (5) years' experience in industrial or municipal public works.

Section 7.703. Powers and Duties of the Director of Public Works. The director of public works shall have the responsibility for the management, operation and control of all public works undertaken by the consolidated government.

Section 7.704. Engineering Division. The engineering division shall be responsible for the planning of public works projects for the consolidated government. The city engineer shall be the division chief of the engineering division. He shall be a registered professional engineer and have at least five (5) years' experience as an engineer in the public works field or in private industry.

Section 7.705. Streets and Highways Division. The streets and highways division shall have general responsibility for planning, building and operating the streets and highways of the consolidated government and for coordinating the efforts of various government agencies concerned with streets and highways in Duval County. The superintendent of streets and highways shall be the division chief of the streets and highways division. He shall be a registered professional engineer and have at least five (5) years' experience in highway and street building, planning or operating.

Section 7.706. Garbage and Street Cleaning Division. The garbage and street cleaning division shall be responsible for garbage collection and street cleaning in the consolidated government. The superintendent of garbage and street cleaning shall be the division chief of the garbage and street cleaning division. He shall have at least five (5) years' administrative or supervisory experience.

Section 7.707. Building Maintenance Division. The building maintenance division shall be responsible for the general maintenance of all public buildings including the responsibility for all custodial and maintenance employees. The building maintenance officer shall be the division chief of the building maintenance department. He shall have at least five (5) years' supervisory experience in maintenance work.

Section 7.708. Water and Sewer Division. The water and sewer division shall be responsible for central water and sanitary sewer systems operated by the consolidated government. The manager of water and sanitation shall be the division chief of the water and sewer division. He shall be a registered professional engineer and have at least five (5) years' engineering experience in industry or government.

Chapter 8

Agriculture Department

Section 7.801. General. The agriculture department shall have all the powers and duties conferred upon county agricultural departments by federal and state laws. The county agricultural agent shall be the chief of the agriculture department and shall discharge all those duties and responsibilities formerly performed by the Duval County agricultural agent, making such reports as may be from time to time required by

authorities and agencies of the state and federal government, and by the consolidated government.

Section 7.802. Budget. The agriculture department shall submit annually to the council a budget for its operations and shall report to the mayor and council upon its activities upon request by the mayor and the council.

Chapter 9

Human Resources Department

Note: Amended by ordinance; see Jacksonville Municipal Code.

Chapter 10

Personnel Department

Section 7.1001. Personnel Department. The personnel department shall have the general responsibility for the personnel management, personnel hiring, upon the written recommendation of the head or authorized agent of the employing office, department, board or independent agency, including personnel covered by civil service for the consolidated government and all independent agencies, except when otherwise provided by law or directed by this charter or directed by the council. For 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. The personnel department shall have general responsibility for employee safety programs, employee development and training, labor relations, and in cooperation with the division of public relations, for employee relations and communications. The personnel manager shall be the director of the personnel department and he shall have a college degree and at least five years of

full-time experience in personnel management or commensurate training and experience. The personnel manager shall keep current with the developments in the field of personnel management. The personnel department shall be charged with the responsibility of:

(1) Implementing the personnel policy prescribed by the civil service board of the consolidated government by undertaking and performing the management duties required to carry out such policy.

(2) Establishing and maintaining a roster of all employees of all offices, departments, boards and independent agencies of the consolidated government which shall reflect such data and information as may be deemed necessary by the mayor regarding personnel organization and management, including such information as may be deemed necessary by the civil service board.

(3) Preparing and maintaining an up-to-date record of the authority, duties and responsibilities of each position, including those under civil service.

(4) Developing or contracting for, in cooperation with the various appointing authorities of the consolidated government, retraining facilities and programs for the employees affected by changes in their employment resulting from consolidation of the local governments of Jacksonville and Duval County, or from merger or eliminations of departments of the consolidated government.

(5) Developing and preparing programs of job analyses, salary and wage analyses, employee benefit analyses, general research in relation to personnel management; preparation of a job classification plan; and adoption of a job pay plan which pay plan, among other things, shall include a plan for vacation time, sick leave time, overtime compensation, service raises and military leave. The job classification plan may be accepted, rejected, modified or amended in any manner upon submission of it to the civil service board for the action of such board as set forth in subparagraph (2) of section 19.04 of article 19 of this charter. The job pay plan adopted by the personnel manager shall be uniform within any job classification established by the Civil Service Board, but not otherwise, and shall not permit a position having a particular job value or rank to be set at a pay grade which is less than a position having a lesser job value or rank where such positions are in the same line of promotion.

(6) Developing and preparing job specifications for the various classes of positions established by the Civil Service Board and for positions not under civil service. Job specifications for civil service position shall be submitted to the civil service board for approval pursuant to subparagraph (3) of section 19.04 of this charter.

(7) Conducting examinations at the request of the civil service board to determine qualifications for jobs covered by the civil service regulations of the consolidated government, and freely advertising job placement opportunities and requirements in connection with the administration of such examinations.

(8) Reporting the results of examinations requested by the civil service board in order to enable the civil service board to certify to the appropriate appointing authority the names of the persons qualified by such examination for employment or promotion.

History: Approved by public referendum Nov. 3, 1970 under Ordinance 70-959-428 and amending original Text, as amended by Chapter 70-743, Laws of Fla.

Section 7.1002. Division of Personnel Department. Divisions and division chiefs of the personnel department may be created as provided in section 7.103.

History: Chapter 70-743, Laws of Fla.

ARTICLE 8

SHERIFF

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. He shall be responsible for providing traffic engineering services to the consolidated government, but may contract for such services to be provided by an independent engineer or engineering firm, with the approval of the council. He shall administer the prison farms and jails, and shall be responsible for service of civil process.

Section 8.02. Qualifications, Election, Term, Compensation. The sheriff shall be a qualified elector of and reside in Duval County. The sheriff shall be elected by the qualified electors of Duval County for a period of four (4) years in accordance with the provisions of article 17 of this charter and shall assume office on the first day of July following his election and serve until his successor is elected and qualified. The sheriff shall devote his entire time to the performance of the duties of his office and shall hold no other public office or public employment except that he may be a notary public or a member of the armed forces. The compensation of the sheriff shall be fixed by the city council.

History: As amended by Ch. 69-1175, Laws of Fla.

Section 8.03. Office, Staff, Budget. The sheriff shall be provided with suitable office space and personnel as the council may from time to time determine to be necessary for the performance of his

duties. He shall prepare and submit information to the director of finance for the purpose of compiling an annual budget in accordance with article 15 of this charter. The director of finance shall compile and submit the sheriff's budget in accordance with the provisions of article 15 of this charter.

History: Made an ordinance effective October 1, 1972, by Chapter 72-578, Laws of Florida.

Section 8.031. Office of Undersheriff. There shall be a position within the sheriff's department known as the undersheriff. The undersheriff shall perform and be responsible for such duties as the sheriff may from time to time assign to him.

History: Made an ordinance effective October 1, 1972, by Chapter 72-578, Laws of Florida.

Section 8.04. Organization of the office of sheriff.

(a) The sheriff's office shall include the police division, the prison farm and jail, and the civil process divisions. The sheriff shall appoint the division chiefs of such divisions subject to council confirmation, and they shall serve at his pleasure.

(b) The sheriff may from time to time reorganize his office into such divisions and departments as he deems necessary. Any division or department established in such a reorganization shall be in the charge of a division chief or departmental director or deputy director appointed by the sheriff and confirmed by the council, responsible to the sheriff, for the conduct of the division or department, and shall serve at the pleasure of the sheriff. Department directors, deputy directors and division chiefs appointed by the sheriff shall be exempted from civil service system, but shall not exceed a total of 15 in

number, excluding the office of the undersheriff.

History: Chapter 70-146, Laws of Fla. Made an ordinance effective October 1, 1972, by Chapter 72-578, Laws of Fla.

Section 8.05. Police Division. *The police division shall be responsible for general law enforcement in Duval County. The chief of police shall be the division chief of the police division. He shall have a college degree and at least five (5) years experience in the field of law enforcement in a responsible supervisory position, or commensurate training and experience.*

History: Made an ordinance effective October 1, 1972, by Chapter 72-578, Laws of Florida.

Section 8.06. Prison Farm and Jail Division. *The prison farm and jail division shall be responsible for*

the administration and operation of all jails and prisons operated by the consolidated government. The director of the division shall be the chief of the prison farm and jail division. He shall have a college degree or at least five (5) years' experience in the administration and operation of corrective or penal institutions or commensurate training and experience.

History: Made an ordinance effective October 1, 1972, by Chapter 72-578, Laws of Florida.

Section 8.07. Civil Process Division. *The civil process division shall be responsible for the performance of the civil process functions prescribed for county sheriffs by the Florida Constitution or by general or special law. The civil process director shall be the division chief of the process division.*

History: Made an ordinance effective October 1, 1972, by Chapter 72-578, Laws of Florida.

ARTICLE 9

SUPERVISOR OF ELECTIONS

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.

History: Amended by Ch. 69-1175, Laws of Fla.

Section 9.02. Qualifications, Election, Term. The supervisor of elections shall be a qualified elector of Duval County and a resident of Duval County. He shall be elected for a term of four (4) years in

accordance with the provisions of article 17 of this charter and shall assume office on the first day of July following his election.

Section 9.03. Office, Staff, Budget. *The supervisor of elections shall be provided with suitable office space and staff as the council may from time to time determine to be necessary for the performance of his duties. He shall prepare and submit information to the director of finance for the purpose of compiling an annual budget in accordance with article 15 of this charter. The director of finance shall compile and submit the supervisor's annual budget in accordance with the provisions of article 15 of this charter.*

History: Made an ordinance effective October 1, 1972, by Chapter 72-578, Laws of Florida.

ARTICLE 10

TAX ASSESSOR

Section 10.01. Duties, Compensation. The tax assessor shall be responsible for assessing all real, personal and intangible property in the consolidated government. It shall be the duty of the tax assessor to perform all functions or duties which are imposed by general law or special law on the tax assessor of Duval County. The compensation of the tax assessor shall be fixed by the City council.

History: Amended by Ch. 69-1175, Laws of Fla.

Section 10.02. Qualifications, Election, Term. The tax assessor shall be a qualified elector of and reside in Duval County. He shall be elected for a period of four (4) years in accordance with the provisions of article 17 of this charter and shall assume office on the first day of July following his election and serve until his successor is elected and qualified. The tax

assessor shall devote his entire time to the performance of the duties of his office and shall hold no other public office or public employment.

Section 10.03. Office, Staff, Budget. *The tax assessor shall be provided with suitable office space and staff as the council may from time to time determine to be necessary for the performance of his duties. He shall prepare and submit information to the director of finance for the purpose of compiling an annual budget in accordance with article 15 of this charter. The director of finance shall compile and submit the tax assessor's annual budget in accordance with the provisions of article 15 of this charter.*

History: Made an ordinance effective October 1, 1972, by Chapter 72-578, Laws of Florida.

ARTICLE 11
TAX COLLECTOR

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. 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.

History: Amended by Ch. 69-1175, Laws of Fla.

Section 11.02. Qualifications, Election, Term. The tax collector shall be a qualified elector of Duval County. He shall be elected for a term of four (4) years in accordance with the provisions of article 17 of this charter and shall assume office on the first day of July following his election.

Section 11.03. Office, Staff, Budget. The tax collector shall be provided with suitable office space and staff as the council may from time to time determine to be necessary for the performance of his duties. He shall prepare and submit information to the director of finance for the purpose of compiling an annual budget in accordance with section 15.02 of article 15 of this charter. The director of finance shall compile and submit the tax collector's annual budget in accordance with the provisions of article 15 of this

charter.

History: Made an ordinance effective October 1, 1972, by Chapter 72-578, Laws of Florida.

Section 11.04. Assistant Tax Collector. The tax collector is authorized to appoint an assistant tax collector, who shall perform and be responsible for such duties as the tax collector may from time to time assign to him and who, in case of the temporary absence or disability of the tax collector, shall perform the same duties as the tax collector. The assistant tax collector shall not be subject to the civil service provisions of this charter and shall serve in such position at the pleasure of the tax collector; except that should the assistant tax collector who is appointed be employed by the consolidated government in a position covered by the civil service provisions of this charter at the time of his appointment, and such appointment thereafter be revoked by the tax collector, he shall be entitled to be restored to the same position which he held at the time of his appointment as assistant tax collector, unless charges have been preferred against him for dismissal from the service of the consolidated government, in which event proceedings for his dismissal shall be in accordance with the civil service procedures of the consolidated government.

The assistant tax collector shall receive such salary as shall be approved by the tax collector and fixed in the annual budget of the City.

History: Made an ordinance effective October 1, 1972, by Chapter 72-578, Laws of Florida.

ARTICLE 12
ADVISORY AND REGULATORY BOARDS

Note: Amended by ordinance; see Jacksonville Municipal Code.

Chapter 1
General Provisions

Section 12.101. Boards created. The following boards are hereby established as advisory or regulatory boards of the city government:

- (1) Health advisory board
- (2) Library board
- (3) Recreation advisory board
- (4) Child services advisory board
- (5) Zoning board
- (6) Building codes adjustment board
- (7) Equalization board

Section 12.102. Members of Boards. Members of the health advisory, library, recreation advisory and child service advisory boards shall be appointed by the mayor subject to confirmation by the council. Members of the zoning board, building codes adjustment board and equalization board shall be appointed by the council. No member of any board shall receive compensation for his services as such, except as otherwise provided herein, or be entitled to pension or other retirement benefits on account of

such service. However, board members shall receive their actual and necessary expenses incurred in the performance of their duties of office.

History: Amended by Chapter 71-700, Laws of Florida.

Section 12.103. Members to Hold No Other Office or Position. No member of any board shall hold any other public office or position in the consolidated government.

Section 12.104. Vacancies; Limitations on Terms of Service. Any vacancy in any board shall be filled for the unexpired term in the same manner as provided for initial appointment to the board. Any member appointed to a board for two (2) consecutive full terms shall not be eligible for the next succeeding term.

Section 12.105. Procedures. Each board shall hold regular meetings at least monthly and may hold more frequent regular meetings. A majority of the

membership of any board shall constitute a quorum for the purpose of meetings and transacting business. Each board shall elect a chairman, vice chairman and secretary, each of whom shall serve for one (1) year and until his successor is chosen. Each board may adopt by-laws and make rules and regulations not inconsistent with this charter or with law.

Section 12.106. Budgets. Each board shall submit through the department of finance its annual operating budget for funds which it deems necessary

for the performance of its functions. Each budget shall be submitted within the time and in the manner provided in article 15 of this charter.

Section 12.107. Changes in Organization of Boards. Changes in the boards of the consolidated government created hereby may be made only by ordinance, and any such ordinance shall be effective to change any provision of this article 12 except that no ordinance may change the manner of appointment of the members of the boards established hereby.

Chapter 2

Health Advisory Board

Section 12.201. Duties. The health advisory board shall compile information, investigate conditions and interpret the health needs of the city in cooperation with the Duval County hospital authority. The board shall report its findings and make recommendations based upon such findings to the mayor, the director of health and welfare and the division chief of the public health division.

Section 12.202. Membership and Terms. There shall be nine (9) members of the board whose terms of office shall be two (2) years each, so staggered that the terms of four (4) members shall expire one year and the term of five (5) members expire the following year.

Chapter 3

Library Board

Section 12.301. General. There shall be a library board to provide free library service for the use and enjoyment of the citizens of the consolidated government.

Section 12.302. Trustees; Appointments; Terms. There shall be appointed by the mayor, with the confirmation by ordinance of the council, nine (9) citizens of the consolidated government to be designated trustees of the free public library of the consolidated government. The term of each library trustee shall be four (4) years from the date of his respective appointment by the mayor. The terms of four (4) of the trustees shall commence on July 1, 1968, and the terms of five (5) additional trustees shall commence on July 1, 1970. Vacancies in the board of trustees shall be filled in the manner prescribed under this article.

or hereafter granted to the library or its predecessor libraries and agencies for the purpose of establishing and maintaining a free public library in and for the consolidated government and its citizens. Except as the council may provide, the library board shall utilize, on a cost accounted basis, the services of the central services department of the consolidated government and shall pay therefor.

Section 12.304. Chief Librarian; Qualifications; Employees. The library trustees shall employ and discharge such persons as may be necessary to conduct a free library service. The person employed by them as chief librarian shall have a master's degree in library science and at least five (5) years' experience in library administration.

Section 12.303. Authority of Trustees. The board of library trustees shall have control of and authority over all funds, property, gifts, legacies, or devises now

Section 12.305. Reports. The library trustees shall submit annually to the mayor and the council, and to the mayor upon his request, such reports as the mayor and council may require, upon the activity of the trustees and of the library service.

Chapter 4

Recreation Advisory Board

Section 12.401. Duties.
Note: Amended by ordinance; see Jacksonville Municipal Code.

Section 12.402. Membership and Terms.
Note: Amended by ordinance; see Jacksonville Municipal Code.

Chapter 5

Child Services Advisory Board

Section 12.501. Duties.
Note: Amended by ordinance; see Jacksonville Municipal Code.

Section 12.502. Membership.
Note: Amended by ordinance; see Jacksonville Municipal Code.

Section 12.503. Terms of Office. All appointments shall be made for the term of four (4) years. In order that terms of office of this board shall not expire at the same time, the initial appointment to the board shall be made as follows: One (1) member will be appointed for a term of one (1) year; two (2) members shall be appointed for a term of two (2) years; two (2) members shall be appointed for a term of three (3) years; two (2) members shall be appointed for a term of four (4) years. Thereafter all appointments shall be made for the term of four (4) years. Appointments to fill any vacancy on the board shall be for the remainder of the unexpired term of the office.

Section 12.504. Organization of the Board. The members of the board shall elect a chairman and such other officers as may be deemed necessary or desirable who shall serve at the will of the board. Members shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their official duties upon approval by the mayor. Minutes shall be kept of all meetings of the board. The mayor shall provide adequate and competent clerical and administrative personnel as may be reasonably required by the board for the performance of its duties, subject to budget limitations.

Chapter 6 Zoning Board

Section 12.601. Duties. The zoning board shall conduct public hearings on all zoning requests and shall render advisory opinions on all requests to the council as provided in article 21 of this charter.

Section 12.602. Membership and Terms. There shall be nine (9) members of the board, whose terms of office shall be three (3) years each, so staggered

that the terms of three (3) members shall expire one year, the terms of three (3) members shall expire the following year, and the terms of three (3) members shall expire the following year. Upon this act becoming law, the Council shall designate new expiration dates of the terms of present members consistent with the three (3) year staggered terms.

History: Amended by Chapter 71-696, Laws of Florida.

Chapter 7 Building Codes Adjustment Board

Section 12.701. Duties. The building code adjustment board shall act as an advisory body and adjustment board on matters concerning minimum housing standards and all codes related to construction as provided in Article 21 of this charter. The building code adjustment board shall interpret the city building code and shall consult with and advise the appropriate administrative officials with regard to necessary changes in the code. The board will also be the appeals board for minimum housing standards petitions as provided in ordinances of the consolidated government.

Section 12.702. Membership and Terms. There shall be nine (9) members of the board, whose terms of office shall be three (3) years each, so staggered that the terms of three (3) members shall expire one year, the terms of three (3) members shall expire the following year, and the terms of three (3) members shall expire the following year. Upon this act becoming law, the Council shall designate new expiration dates of the terms of present members consistent with the three (3) year staggered terms.

History: Amended by Chapters 71-700 and 71-696, Laws of Florida.

Chapter 8 Equalization Board

Section 12.801. Duties. The equalization board shall have the powers and duties which are imposed by general or special laws upon the county commissioners of Duval County, sitting as a board of equalization. The equalization board shall be governed by and shall conduct itself in accordance with all such general and special laws.

Section 12.802. Membership and Terms. There shall be five (5) members of the board whose terms of office shall be two (2) years, so staggered that the terms of two (2) members expire one year and the terms of three (3) members expire the following year. Members of the board shall be owners of taxable real property within the territorial limits of the consolidated government and shall have been residents of Duval County for at least six (6) years prior to their appointment. At least two (2) members of the board shall reside within and own property

within the urban services districts, and at least two (2) members shall reside and own property outside the urban services districts of the consolidated government.

Except as the council may otherwise provide, at least two (2) members of the board shall be experienced real estate appraisers, licensed by the Florida real estate commission under chapter 475, Florida Statutes, as either salesmen or brokers. Members appointed as appraisers shall be entitled to professional fees for their services on the board, not to exceed \$50 (fifty dollars) per day, for such professional services.

Section 12.803. Petition Fee. Every person who shall file any petition for review or other appeal for equalization to the equalization board shall be required to pay a fee of \$5 (five dollars) to defray the costs thereof, except as otherwise provided by the council.

Ed. Note: Article 13 ignores changes resulting from the new Article V of the Constitution.

ARTICLE 13

JUDICIARY

Chapter 1

Court System

Section 13.101. Certain Courts Continued. The circuit court of the fourth judicial circuit of Florida in and for Duval County, the county judges' court of Duval County, the criminal court of record of Duval County, the juvenile court of Duval County, the small claims court of Duval County, and the justice of the peace court of Duval County, all as presently constituted under general and special 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.

Section 13.102. Elections. The Clerk of the circuit court, the clerk of the criminal court of record, the states attorney, the public defender, and the justices and constables of the justice of the peace courts of Duval County shall be elected under the provisions of existing general and special law.

The judges of the county judges' court of Duval County, the criminal court of record of Duval County, the juvenile court of Duval County, the small claims court of Duval County, and the justices of the justice of the peace courts of Duval County shall be elected in non-partisan elections and are referred to as judicial officers in this section. Elections for the justices of the justice of the peace courts of Duval County shall be within their established districts. All candidates for such judicial offices shall conduct their campaigns and their names shall be placed on the ballot without reference to political party affiliation. No political party name, sign, slogan or emblem shall be used in such campaigns or on such ballots.

All of the provisions of general law applying to the non-partisan election of judicial officers shall apply to the election of the judicial officers named in this section.

Ed. Note: Amended by Ch. 71-710 and 72-572, Laws of Florida.

Section 13.103. Duties of Council in Respect to Courts.

(a) The Council shall have the powers and duties with respect to the county judges' court of Duval County, the criminal court of record of Duval County, the juvenile court of Duval County, the small claims court of Duval County, and the justice of the peace courts of Duval County, and their judges, clerks, constables and employees, which by general or special law the board of county commissioners of Duval County had prior to the effective date of this charter; provided, however, that where any of the courts named in this section, or their judges, clerks, constables 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.

(b) The council shall have the power and the duty to fix the salaries of the judges of the small claims court of Duval County, the county judges court of

Duval County, the juvenile court of Duval County, the criminal court of record of Duval County, the justice of the peace courts of Duval County, and the constables of Duval County, and to provide a method for paying the salaries, and to appropriate funds for the maintenance and operation of the administrative offices of those courts. The council shall not fix any of the above salaries at an amount less than that fixed on the effective date of this act. The number and rate of compensation of deputy constables in effect on the effective date of this act shall not be reduced.

History: Ch. 69-717, section 4, under the effective date October 1, 1969.

(c) Judges of the justice of the peace courts of Duval County and constables of Duval County shall not charge the City of Jacksonville fees for services performed by them, but shall be paid exclusively on a salary basis as provided in subsection 13.103(b), above. They shall continue to collect from private individuals all fees provided by law on the effective date of this act, and remit all collections to the tax collector of the City of Jacksonville. The judges of the justice of the peace courts of Duval County and the constables of Duval County shall submit through the department of finance their annual operating budgets for funds which they deem necessary for the performance of their offices and functions, including, without limitation, salaries of clerks, deputy constables and other employees. Each budget shall be submitted within the time and in the manner provided in article 15 of this charter, and the council shall act upon the budgets submitted in the same manner provided in article 15 of this charter.

History: Subsections (b) and (c) were added by Ch. 69-717, which also repealed salary-setting sections of special acts for the various judges. Council salary-fixing authority was granted over criminal court reporters by Ch. 69-712, and over circuit court reporters by Ch. 69-660.

Section 13.104. Sheriff to Continue as Executive Officer. The sheriff of Duval County shall continue to serve as the executive officer of the county judges' court of Duval County, the criminal court of record of Duval County, and the small claims court of Duval County.

Section 13.105. Constables to Continue as Executive Officers. The constables of the justice of the peace court districts shall continue to serve as the executive officer of the justice of the peace courts of Duval County.

Section 13.106. County Judges' Court Not to Issue Licenses. The county judges shall have no authority or duty to issue licenses required by law, except marriage licenses.

Section 13.107. Certain Duties of Juvenile Court Eliminated. 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.

Section 13.108. Clerk of the Circuit Court. The office of the clerk of the circuit 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 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 court shall be fixed by the city council.

History: As amended by Ch. 69-1175, Laws of Fla.

Section 13.109. Clerk of the Criminal Court of Record. The office of the clerk of the criminal court of record shall continue, and all general and special laws applicable thereto shall continue in full force and effect, but the compensation of the clerk of the criminal court of record shall be fixed by the city council.

History: As amended by Ch. 69-1175, Laws of Fla.

Section 13.110. 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.

Section 13.111. Duval County Medical Examiner. The office of Duval County medical examiner 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.

Section 13.112. 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.

Section 13.113. Compensation of Examining Committees. The compensation to be paid and allowed the members of examining committees appointed to examine or re-examine alleged recalcitrant tuberculos persons, alleged epileptic and feebleminded persons, and alleged mental incompetents in lunacy proceedings in the City of Jacksonville shall be fixed by the Council. The minimum compensation for examination including report shall be as follows: Ten Dollars (\$10.00) for a lay member who shall be an intelligent and responsible citizen or Twenty Dollars (\$20.00) for a physician who shall be a medical member and an additional fee of Twenty Dollars (\$20.00) for a physician when called by the judge of the court to a hearing to testify in any of said proceedings. Said compensation shall be paid by the City of Jacksonville from its funds as provided by the Council.

History: Added by Chapter 71-704, Laws of Florida.

Section 13.114. Time Deposits by Clerk of the Circuit Court. The clerk of the circuit 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 court and shall be deposited in the same account as are other fees and commissions of said clerk's office.

History: Added by Ch. 72-572, Laws of Florida.

Chapter 2

Municipal Courts

Section 13.201. Courts Established. The consolidated government shall have a municipal court having venue throughout the territorial limits of the consolidated government.

Section 13.202. Number and Election of Judges. There shall be initially two (2) municipal court judges. Thereafter, for each increase of two hundred fifty thousand (250,000) population within the territorial limits of the consolidated government, as determined by each federal or state census, the mayor shall appoint, subject to confirmation by the council, an additional municipal court judge to serve until a judge duly elected at the next general election of the consolidated government shall take office. Such appointment shall be made within ninety (90) days after publication of such census. All municipal court judges shall be elected at large for a term of four (4) years by the method provided in article 17 of this charter.

Section 13.203. Eligibility. No person shall be qualified to serve as municipal court judge unless he

is a citizen of Duval County and has been admitted to practice law in Florida for a period of at least five (5) years.

Section 13.204. Salaries. The salary of municipal court judges shall be initially \$17,500 (seventeen thousand five hundred dollars) and may thereafter be fixed by the council. No reduction of the salary of municipal court judges shall be effective to reduce the salary of any municipal court judge theretofore elected during the term for which such municipal court judge was elected.

Section 13.205. Vacancies. Vacancies in the office of municipal court judge shall be filled by the mayor for the unexpired term of such office which has become vacant.

Section 13.206. Jurisdiction. The municipal court initially shall have jurisdiction in all cases where persons have been charged with violation of an ordinance of the consolidated government. Thereafter, the council may vest, by ordinance such

jurisdiction as the Constitution and laws of the state of Florida permit.

Section 13.207. Clerk of Court. The clerk of the circuit court having jurisdiction in Duval County shall serve as the clerk of the municipal court. The duties of the clerk shall include the keeping of the docket and records of the municipal court, approval of bonds, collection of fines, and such other duties as may be prescribed by ordinance.

Section 13.208. Appeals. Appellate jurisdiction in all cases arising in the municipal court shall be in the circuit court having jurisdiction in Duval County.

Section 13.209. Presiding Judge. The municipal court judges shall rotate each calendar year in the

capacity of presiding judge. The presiding judge may control the assignment of cases so as to provide time for the execution of his duties as presiding judge.

Section 13.210. Prohibition of Practice. Each municipal court judge shall devote his full time to his duties and shall not engage in the practice of law nor receive any compensation directly or indirectly therefrom, except as the council may by ordinance provide.

History: Amended by Chapter 69-1170, Laws of Fla., which granted council authority over the private practice of law.

Section 13.211. Sheriff to Serve as Executive Officer. The sheriff of the consolidated government shall serve as the executive officer of the municipal court.

Ed. Note: See also Chapter 230, Florida Statutes.

ARTICLE 14

DUVAL COUNTY SCHOOL BOARD

Section 14.01. 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 (7) 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 hereto shall continue in full force and effect, except as herein expressly provided to the contrary.

Section 14.02. 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. Initial school board districts shall be those set forth below:

- School Board District #1—Council Districts 1 and 2
- School Board District #2—Council Districts 3 and 4
- School Board District #3—Council Districts 5 and 6
- 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 13 and 14

Section 14.03. Apportionment of School Board Districts. Within six (6) months after publication of each official federal census of Duval county, the Jacksonville-Duval area planning board shall apportion the seven school board districts so that all districts are as nearly equal in population as practicable. In the event that the Jacksonville-Duval area planning board shall be unable to complete the apportionment of the school board districts within six (6) months after the publication of that census, the city's general counsel 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 14.03 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.

Section 14.04 and 14.05. Election of school board members shall be conducted in the following manner: Candidates for the school board shall be qualified electors residing in the district from which they seek election. Each candidate shall present a petition signed by fifty (50) qualified electors residing in the district from which he seeks election to the supervisor of elections of Duval County, at least sixty (60) and not more than one hundred twenty (120) days before the date of election to be held on November 4, 1969. Thereafter, such petitions shall be presented to the supervisor within a sixty (60) day period ending on the third Tuesday of the election year.

Candidates shall conduct their campaigns and their names shall be placed on the ballot without reference to political party affiliation. No political party, names, signs, slogans or emblems of any type shall be used in such campaigns or in such ballots.

Members now serving from odd-numbered Districts one (1), three (3), five (5), and seven (7) shall serve until July 1, 1971. Members from even-numbered Districts two (2), four (4), and six (6) shall be elected in an election to be held on November 4, 1969. If no candidate receives a majority of all votes cast in the election required on November 4, 1969, a runoff election shall be held with respect to such unfilled office or offices on November 18, 1969. Members so elected from even-numbered Districts two (2), four (4), and six (6) shall take office on December 1, 1969, and shall serve until July 1, 1971.

Members from even-numbered Districts two (2), four (4) and six (6) shall be elected for a two year term at an election held the same time as the second primary under Section 17.05. If a run-off election is required for any of said even-numbered Districts, it shall be held the same time as the general consolidated government elections under Section 17.01. The two year term for members from even-numbered Districts two (2), four (4) and six (6) shall commence July 1, 1971.

Thereafter, members from even-numbered Districts two (2), four (4) and six (6) shall be elected for four year terms at an election to be held on the fifteenth Tuesday of the year in which the term of such office commences. If a run-off election is required for any such even-numbered District, it shall be held on the eighteenth Tuesday of the year in which the term of such office commences.

The first four-year term for members from even-numbered Districts two (2), four (4) and six (6) shall commence July 1, 1973.

Ed. Note: Amended by Chapter 72-572, Laws of Florida. Made an ordinance effective October 1, 1972, by Chapter 72-578, Laws of Florida.

Members from odd-numbered Districts one (1), three (3), five (5) and seven (7) shall be elected for four-year terms at an election to be held the same time as the second primary under Section 17.05. If a run-off election is required for any of such odd-numbered Districts, it shall be held the same time as the general consolidated government elections under Section 17.01.

The first four-year term for members from odd-numbered Districts one (1), three (3), five (5) and seven (7) shall commence July 1, 1971.

All members elected to the Duval County School Board shall continue to hold office until their successors are duly qualified.

Thereafter, members from all districts shall be elected for four (4) year terms at an election held the same time as the second primary under section 17.05. If a run-off election is required for any district, it shall be held the same time as the general consolidated government elections under section 17.01. The first four (4) year term shall commence July 1, 1971.

Upon the taking of office of all members of the school board elected pursuant to sections 14.04 and 14.05 of this section, the terms and compensation of all members of the board elected prior to the election of November 1968 shall terminate.

History: Amended by Chapters 70-670, 69-1032 and 67-1310, Laws of Fla.

Section 14.06. Qualifications of Board Members. Members of the Duval county school board shall be electors of Duval county and residents of the school board districts in which they are elected. Members shall not hold any other public office or public employment except as notary public or member of the armed services.

Section 14.07. 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. A vacancy for any reason on the Duval County school board which occurs more than two (2) years prior to the expiration of the term of office in which such vacancy has occurred shall be filled for the remainder of the unexpired term by a special election pursuant to general law provided, however, that any run-off election which may be necessary shall take place at the second primary election and provided further, that until such time as the successor to fill any such vacancy is duly elected and qualified, such vacancy in office shall be filled by a majority of all of the remaining members of the board. A vacancy for any reason on the Duval County

school board which occurs less than two (2) years prior to the expiration of the term of office in which such vacancy occurs shall be filled for the remainder of the unexpired term by appointment by the Governor, subject to confirmation by the Senate. The person selected to fill such a vacancy in any event shall be a resident of the school board district wherein the vacancy exists and shall possess the qualifications prescribed in Section 14.06 for election to the board. Except as provided in this section, the special election shall be held as prescribed in Sections 14.04 and 14.05.

History: Amended by Ch. 72-572, Laws of Florida.

Section 14.08. 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 section 112.061, Florida Statutes, provided:

(1) Per diem shall be twenty dollars (\$20.00) per day.

(2) Mileage allowance shall be at the rate of ten cents (10¢) per mile.

History: Amended by Chapter 70-752, Laws of Fla.

Section 14.09. 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.

Section 14.10. Powers and Duties of Superintendent. The superintendent shall have the powers 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.

Section 14.11. Use of Central Services Department. Unless otherwise directed by the council, the Duval County School Board shall utilize the services of the central services department except that the Duval County School Board and the Superintendent of schools and their employees shall employ instructional personnel for the school system under the regulations set forth by the Duval County School Board.

In cooperation with the central services department the Duval County School Board may, at its option, establish by appropriate resolution a school awards committee to be comprised of not less than three (3) nor more than five (5) members, one of whom shall be the chief purchasing officer of the consolidated government, or his delegate, and the remaining members shall be appointed by the Duval County School Board either from among its membership or its employees. The membership of such school awards committee shall always be in odd number.

Such school awards committee shall have the power to review all purchasing bids for purchases or contracts involving the expenditure of school funds below ten thousand (\$10,000.00) dollars and the acceptance by a majority of the committee of any bid or contractual offer shall be binding upon the Duval

County School Board, all without further action by the Duval County School Board. Purchase orders and contractual documents, subsequent to any such action by the school awards committee, shall be executed and issued by the Duval County School Board as may be required by general or special law or regulations of the Duval County School Board or the Department of Education of the State of Florida.

The Duval County School Board shall have the power by appropriate resolution to rescind or suspend either permanently or temporarily the establishment and existence of any such school awards committee and may recreate same from time to time as in the premises seems advisable to it, provided that no such suspension, termination or recreation shall affect the rights of third parties which have accrued or become vested prior to any such suspension, termination or recreation by the Duval County School Board of the school awards committee created hereby.

The school awards committee shall appoint a chairman from among its members. In cooperation with the central services department the Duval County School Board is authorized to establish internal procedures for the performance by such committee of its activities.

History: Chapter 70-745, Laws of Fla.

Section 14.12. School Budget Reviewed by Council. The school budget shall, after the effective date of this charter, be submitted to and reviewed by the council as provided in Article 15 of this charter.

Editor's Note: Funds raised by parents organizations are exempt from budgetary control under chapter 70-672, Laws of Florida.

Section 14.13. Code of Ethics to Apply. The code of ethics set forth in Article 20 of this charter shall apply to the Duval county school board and all officers and employees thereof.

History: Article 14 was amended by Chapter 69-1310, and 69-1032, Laws of Fla. Made an ordinance effective October 1, 1972, by Chapter 72-578, Laws of Florida.

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, Florida, 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.

History: Chapter 71-620, Laws of Florida.

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 bi-weekly 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.

History: Chapter 71-619, Laws of Florida.

ARTICLE 15

BUDGET

Section 15.01. Fiscal Year. The fiscal year of the consolidated government shall begin on the first day of October of each year and shall end on the 30th day of September next following. The fiscal year shall constitute the budget year of the consolidated government, but independent agencies shall continue to use the fiscal years established for each of them by law.

History: Made an ordinance effective October 1, 1972, by Chapter 72-578, Laws of Florida.

Section 15.01A. Fiscal Year. The Council may by ordinance establish any other fiscal and budget year for the consolidated government and each independent agency entitled to receive appropriations from the council unless otherwise provided by general law.

History: Added by Ch. 72-572, Laws of Florida.

Section 15.02. Proposed Consolidated Government Budget. The Director of Finance shall obtain from all departments, offices, officers and boards of the consolidated government such information as may be

required for him to compile a proposed budget for the consolidated government. It shall be the duty of all departments, offices, officers and advisory and regulatory boards of the consolidated government to furnish the Director of Finance all information which he may request for the preparation of the proposed consolidated government budget. To the extent practicable, the Director of Finance shall divide the proposed budget between capital improvement funds and general operating funds. The proposed budget shall be divided further into two sections. Section 1 shall apply to the general services district and to services and functions performing throughout or relating to the entire general services district. Section 2 shall apply to the first urban services district and only to services and functions performed within or relating to that urban services district. In preparing the proposed consolidated government budget the Director of Finance may revise the budgeting estimates and requests made by the various departments, offices, officers and boards.

History: Amended by Ch. 67-1535, Laws of Fla.

The director of finance shall consult with the mayor in the preparation of the consolidated government budget and shall submit the proposed budget to the mayor. The mayor may make such changes in the proposed budget as he deems appropriate and shall submit the proposed consolidated government budget to the council. At the time of submitting the proposed budget, the mayor shall deliver or submit to the council a statement describing the important features of the proposed budget, outlining the proposed financial policies of the consolidated government for the coming year and explaining such changes in the fiscal policies of the consolidated government as he deems appropriate. The proposed consolidated government budget submitted by the mayor shall reflect all sources of anticipated income of the consolidated government. It shall also state the amount of ad valorem taxes required in each services district to meet the budgetary needs of the consolidated government and the ad valorem tax millage required in each services district to produce the necessary ad valorem taxes.

Section 15.03. 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.

Section 15.04. Hearings by Council. The council shall schedule and hold public hearings on the proposed budgets submitted to it, notice of which shall be published in a newspaper of general circulation in Duval County at least seven (7) days prior to the date set for the beginning of such public hearings. The hearings may be adjourned from time to time.

Section 15.05. 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.

Section 15.06. Property Tax Levies. After the adoption of the budget, the council shall levy an annual tax on real and personal property located in

the general services district. The tax rate set shall be such that a reasonable estimate of revenues from such levy shall at least be sufficient, together with other anticipated revenues, fund balances, and applicable reserves, to equal the total appropriation in the general services district section of the consolidated government and the total of the appropriations to independent agencies.

The Council shall also levy additional annual taxes on real and personal property located in the first urban services district. The tax rate set in such additional levy for the first urban services district, shall be such that a reasonable estimate of revenues from such levy shall at least be sufficient, together with other anticipated revenues, fund balances, and applicable reserves, to equal the total appropriation to that urban services district.

History: Paragraph 2 of section 15.06 was amended by Ch. 67-1535, Laws of Fla.

Section 15.07. Additional Appropriations. The council, by a two-thirds vote of its membership, may make appropriations to the consolidated government in addition to those contained in the budget at any regular or special meeting called for such purpose; however, any such additional appropriation (a) may be made only from an existing unappropriated surplus and (b) may be appropriated only for the benefit of the services district from which the unappropriated surplus arose.

Section 15.08. Transfer of Appropriations. The mayor may transfer any amount appropriated to any consolidated government division within such division but may not (a) transfer funds appropriated to any consolidated government division to any other division or (b) transfer funds appropriated to any services district to any other services district.

Section 15.09. Provisions Inapplicable to Second, Third, Fourth and Fifth Urban Services Districts. The preceding provisions of this Article 15 shall not apply to the second, third, fourth and fifth urban services districts. The budgets of each of those urban services districts, and the levy of taxes in those districts, shall be made in accordance with the special and general laws which applied to the former government which occupied each such urban services district immediately prior to the effective date of this charter, in accordance with Section 2A.05.

History: Section 15.09 was added by Ch. 67-1535, Laws of Fla.

ARTICLE 16

BONDS

Section 16.01. Outstanding Bonds Issued by Former Governments. All outstanding bonds issued by former governments are obligations of the consolidated government; however, payment of such obligations and the interest thereon shall be made solely from and charged solely against funds derived from the same sources from which such payment would have been made had this charter not become effective. When ad valorem taxation is pledged to

meet the debt service requirements of any bonds issued by any former government, taxes shall be levied by the consolidated government for the payment of such bonds only on property which is located in the area where property was taxable for the payment of such bonds immediately prior to the effective date of this charter. Bonds payable from special assessments levied against the properties specially benefitted by the improvements financed

from the proceeds of such bonds shall continue to be payable solely from such special assessments. In the event any such obligations issued by any former government are hereafter replaced by refunding bonds issued by the consolidated government, the debt service requirements of such refunding bonds shall be payable solely from the same sources from which the refunded bonds were payable.

Section 16.02. Consolidated Government's Power to Issue Bonds. The consolidated government may issue any bonds which (1) cities are or may hereafter be authorized to issue under the Constitution or general laws of the state of Florida, (2) counties are or may hereafter be authorized to issue under the Constitution or the general laws of the state of Florida, and (3) any of the former governments were authorized to issue immediately prior to the effective date of this charter.

Section 16.03. Authorization of Bonds. Revenue bonds may be issued when authorized by the council. Ad valorem bonds may be issued when authorized by the council and approved at a freeholder election as required by the Constitution of Florida. In authorizing ad valorem bonds, the council shall determine whether such bonds are to be the obligations of the entire general services district, only one or both of the urban services districts, or some lesser taxing district created by the council for the issuance of such bonds. "All ad valorem bonds shall be obligations of the entire general services district unless the Council determines that the moneys received from the issuance of such ad valorem bonds will be used primarily for the benefit of the first urban services district or other taxing district which is to be obligated for the payment of the bonds and the interest thereon."

History: The last sentence of section 16.03 was amended by Ch. 67-1535, Laws of Fla.

Section 16.04. Ad Valorem Bond Elections. When the council authorizes the issuance of any ad valorem bonds, the council shall direct the holding of an election for the purpose of obtaining freeholder approval or disapproval of such ad valorem bonds. The resolution of the council calling such election shall state the purposes for which the bonds are to be issued, the maximum amount of the bonds, the maximum maturity date of the bonds and the maximum rate of interest which such bonds may bear. More than one bond proposal may be submitted at any bond election. A bond election may be held simultaneously with any other election taking place throughout Duval County. Only freeholders who are qualified electors shall be entitled to vote in any ad valorem bond election. If the ad valorem bonds are to be the obligations of the entire general services district, all qualified freeholders in the entire general services district shall be entitled to vote thereon. If the ad valorem bonds are to be the obligations of the first urban services district or some lesser taxing district, only freeholders residing in the first urban services district or such lesser taxing district shall be entitled to vote thereon.

History: The last sentence of section 16.04 was amended by Ch. 67-1535, Laws of Fla.

Section 16.05. Ad Valorem Taxation. When the funds to pay the debt service requirements of any bonds issued pursuant to the preceding sections 16.03 and 16.04 shall be derived from ad valorem taxation, such taxes shall be levied only on the property located in the district the freeholders of which approved the issuance of such bonds.

Section 16.06. 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 requirements 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.

Section 16.07. Sale of Bonds. *All bonds issued pursuant to this article shall be offered for public sale and shall be awarded to the bidder whose bid produces the lowest net interest cost for such bonds, calculated in the manner the council may prescribe in accordance with sound financial practices. Notice of any sale of bonds 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 fifteen (15) days prior to the date set for opening bids. In addition to such publication, notice in writing of the proposed sale shall be given to at least three (3) recognized bond dealers in the state of Florida. The consolidated government shall reserve the right to reject any and all bids.*

History: Made an ordinance effective October 1, 1972, by Chapter 72-578, Laws of Florida.

Section 16.08. Definitions. For the purposes of this article 12, 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" shall mean 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.

Section 16.09. Special Provisions Relating to Certain Urban Services Districts. Notwithstanding the provisions of Section 16.10, where ad valorem taxation is pledged to meet the debt service requirements of any bonds issued by the former governments of the cities of Jacksonville Beach, Atlantic Beach, and Neptune Beach, or the town of Baldwin, the taxes for the payment of such bonds shall be levied by the second, third, fourth or fifth

urban services district, whichever includes the assessable property. The second, third, fourth and fifth urban services districts may each issue any bonds which (1) the former government which occupied the area of that urban services district could issue, and (2) cities are or may hereafter be authorized to issue under the Constitution or general laws of the State of Florida. No authorization by the Council shall be required before the second, third, fourth and fifth

urban services districts may issue bonds, but the issuance of bonds shall be governed by special and general laws applicable to the former governments occupying the areas of the second, third, fourth and fifth urban services districts immediately prior to the effective date of this charter, as provided in Section 2A.05.

History: Section 16.09 was added by Ch. 67-1535, Laws of Fla.

ARTICLE 17

ELECTION AND REMOVAL OF OFFICERS

Section 17.01. General Consolidated Government Elections. General consolidated government elections shall be held on May 11th, 1971, and on the twenty-first Tuesday in each fourth year thereafter. All officers who are required by this Charter to be elected (except as provided in Sections 2A.02 and 14.04, and Article 13 hereof) shall be elected at the general consolidated government elections. Where officers are required by this charter to be elected from districts, only qualified voters in each district shall be entitled to vote for candidates from such districts. All officers shall be elected by majority vote.

History: Amended by Ch. 72-572, Laws of Florida.

Section 17.02. Qualified Voters. All persons who have resided in Duval County for six (6) months next preceding the day of any election and who are lawfully registered and qualified to vote under the laws of the state of Florida shall be entitled to vote in all consolidated government elections.

Section 17.03. General State Laws Applicable to Consolidated Government Elections. All general laws of the state of Florida applicable to elections of county officials shall apply to consolidated government elections except where herein expressly provided to the contrary.

Section 17.04. Qualification of Candidates. Candidates for consolidated government office shall qualify by filing the statements, oaths, and fees required by general law of candidates for county office with the clerk of the circuit court at any time during the seven day period between twelve o'clock noon on the eighth and ninth Tuesdays of the election year.

History: Amended by Ch. 72-572, Laws of Florida.

Section 17.05. Dates of Primary Elections. A primary election shall be held on the fifteenth Tuesday in the election year. In all contests where no candidate receives a majority of the votes cast for the office, a second primary election shall be held. The second primary shall be held on the eighteenth Tuesday in the election year.

History: Amended by Ch. 72-572, Laws of Florida.

Section 17.06. Special Elections. If a vacancy shall occur in the office of mayor or councilman more than two (2) years prior to the date of the next general consolidated government election, the council shall declare the vacancy to exist and the vacancy shall be filled by a special election. The special

election to fill such vacancy shall be held as a part of and at the same times as the next election of federal or state officers in which all qualified voters in Duval County are entitled to participate; provided, however, that such vacancy shall not be filled in any election if the last date on which candidates may qualify to run in such election occurs less than fifteen (15) days after the council declares the vacancy to exist.

Section 17.07. Responsibility for Consolidated Government Elections, School Board Elections and All Other Elections Held in the City of Jacksonville; Canvassing Board. In consolidated government elections, school board elections and all other elections held in the city of Jacksonville, the council and supervisor of elections, respectively, shall perform all duties relating to such elections which are imposed by general law on the board of county commissioners and the supervisor of elections, respectively, in the case of county elections. The canvassing board for all elections held in the city of Jacksonville, except those held to elect officers of urban services districts, shall be the canvassing board provided herein and shall have in all such elections the powers and duties conferred upon county canvassing boards in the case of county elections. The Duval county and city of Jacksonville canvassing board shall be composed of the supervisor of elections, the general counsel of the city, and the president of the council. In the event any member of the board is unable to serve, the council of the city shall designate a member to serve in his place.

History: As amended by Ch. 69-1169, Laws of Fla. Made an ordinance effective October 1, 1972, by Chapter 72-578, Laws of Florida.

Section 17.08. Recall by Voters. Any officer elected in any consolidated government or school board election may be removed from office in the following manner:

A petition demanding an election of a successor of the elected official sought to be removed shall be filed with the supervisor of elections.

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 ten percentum (10%) of the number of voters registered in the city at the time of the election of the person sought to be removed.

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 ten percentum (10%) 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 fifteen (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 fifteen (15) days from the date of said certificate. The supervisor of elections shall, within fifteen (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 thirty (30) days or more than sixty (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.

History: Amended by Ch. 69-1173 and 72-572, Laws of Florida.

Section 17.09. Costs and Expenses. All costs and expenses of elections provided for in this charter including costs and expenses of examination and certification of petitions by the Supervisor of Registration, shall be paid by the consolidated government, except that the costs and expenses of elections of officials of the second, third, fourth and fifth urban services districts as provided in Article 2A of this charter shall be borne by the districts holding such elections.

History: Amended by Ch. 67-1535, Laws of Fla. Made an ordinance effective October 1, 1972, by Chapter 72-578, Laws of Florida.

ARTICLE 18

RETIREMENT AND PENSION BENEFITS

Section 18.01. 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.

History: Section 18.01 was amended by Ch. 69-1172, Laws of Fla.

Section 18.02. 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 18.01 of this charter 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 into the plans of the former government but may be eligible for participation in the system authorized by section 18.01 of this charter, to the extent qualified by the appropriate pension advisory committee.

Section 18.03. 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.

Section 18.04. Exception for Certain Urban Services Districts. Notwithstanding the preceding provisions of

this Article 18: All retirement and pension plans of the former governments of the cities of Jacksonville Beach, Atlantic Beach, Neptune Beach and the town of Baldwin shall continue as the retirement systems of the urban services districts now occupying the area over which those former governments had jurisdiction prior to the effective date of this charter. All such retirement and pension systems of the second, third, fourth and fifth urban services districts shall continue to operate, and may be changed, in the same manner that the retirement and pension plans of former governments which they replaced, operated and could be changed. The provisions of Section 18.01, and any system adopted by the Council pursuant thereto, shall not apply to employees of the second, third, fourth and fifth urban services districts.

History: Section 18.04 was added by Ch. 67-1535, Laws of Florida.

Section 18.05. Notwithstanding the provisions of section 18.01 of this charter.

(1) No 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

such non-civil 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.

(2) 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 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.

History: Added by Ch. 69-1177, Laws of Fla.

ARTICLE 19

CIVIL SERVICE

Section 19.01. 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. The civil service board shall promulgate and maintain its own rules for the administration of the civil service system of the consolidated government.

Section 19.02. Civil Service Board. There shall be a civil service board of the consolidated government which shall consist of seven (7) members. Each member shall be a resident and qualified elector of the consolidated government and shall be elected in one of seven (7) separate groups which shall be numbered consecutively. All members shall be elected at large for four (4) year terms at consolidated government elections by the qualified electors of the consolidated government.

The terms of office of the members of the board shall be staggered. At the first general election of the consolidated government, members from odd-numbered groups shall be elected for a regular four year term of office while members from even-numbered groups shall be elected for an initial term of two years of office only. Thereafter, members from even-numbered groups shall be elected for four year terms of office at an election to be held on the fifteenth Tuesday of the year in which the term of such office commences. If a run-off election is required for any such even-numbered group, it shall be held on the eighteenth Tuesday of the year in which the term of such office commences. The term of office of all members of the Civil Service Board

shall commence July 1 of the year in which they are elected. Each member of the Civil Service Board shall continue to hold office until his successor is chosen and qualified. The candidate from odd-numbered groups shall run for a regular four (4) year term of office. *2 yrs out by printing error*

History: Amended by Ch. 72-112, Laws of Florida.

~~Section 19.03. Employment Policy.~~ The elected civil service board shall enforce qualifications and certify personnel for employment, promotion, demotion, transferral, 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 other than merit and qualification. The civil service board of the consolidated government shall ensure the enforcement of this employment policy.

Section 19.04. Duties of Civil Service Board. The civil service board shall be responsible for developing and fostering the personnel policy of the consolidated government and shall:

(1) 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.

(2) Reject, alter, amend, modify or adopt in total or in part the job classification plan submitted by the personnel department.

(3) Provide for a promotional career system by competitive examinations which may include tests of physical fitness, job performance, and written examination; reject, alter, amend, modify or approve job specifications for positions under civil service; and to further provide that the best qualified shall be certified as qualified for promotion when they meet

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the qualification requirements, with provisions for probationary promotions for a period of six (6) months to afford the board and the employing department opportunity to determine if the promoted employee can adequately perform the duties of his employment.

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

History: Amended by Chapter 70-743, Laws of Fla., and by public referendum of approval Nov. 3, 1970 under Ordinance 70-959-428.

Section 19.05. Applicability of the Civil Service System to Employees of the Consolidated Government. The civil service provisions of this charter shall be applicable to all employees of the consolidated government except:

(1) Officers elected by popular vote and persons appointed to fill vacancies in such elected offices.

(2) Directors of departments, deputy directors, chiefs of divisions, the chief administrative officer, the auditor, and the secretary of the council, provided that any person in the classified civil service who is appointed to such office shall retain, and be entitled to return to, the same civil service classification, rights, status, and job value as held at the time of such appointment.

(3) Members of boards and commissions.

(4) 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:

- (a) Superintendent of Schools
- Associate Superintendent of Schools
- Administrative Assistant to the Superintendent
- Director of Data Processing
- Coordinator of Publications
- Director of Classified Personnel
- Director of Finance
- Budget Director
- Director of General Services
- Manager of Plant Services
- Director of Plant Services
- Manager of Facilities Planning
- Coordinator of Educational Specifications
- 1 Secretary to Superintendent

(b) 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 teachers' certificate.

History: Amended by Chapter 71-712, Laws of Florida.

(5) Persons employed to conduct special inquiries or surveys or to perform special services.

(6) Part-time employees. Part-time employees shall be employed from lists approved by the Civil Service Board and for a period of employment not to exceed six months. The Civil Service Board may authorize an extension of said six month employment period. It shall be the mandatory duty of the Finance Director to remove the name of any part-time employee from the payroll of any of the departments of the city where such part-time employee's period of employment has extended beyond six months where the Civil Service Board has not approved such

extension.

History: Subsection (6) was amended by Ch. 69-1171, Laws of Fla.

(7) Temporary employees. Temporary employees shall be employed from lists approved by the Civil Service Board and for a period of time not to exceed six months. The Civil Service Board may authorize an extension of said six month employment period. It shall be the mandatory duty of the Finance Director to remove the name of any temporary employee from the payroll of any of the departments of the city where such temporary employee's period of employment has extended beyond six months where the Civil Service Board has not approved such extension.

History: Subsection (7) was amended by Ch. 69-1171, Laws of Fla.

(8) Doctors, lawyers, 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.

History: Amended by Ch. 69-1181, Laws of Fla.

(9) The chief administrative officer of the Civil Service Board.

History: Added by Ch. 69-1171, Laws of Fla.

(10) Mayor's aides and secretary appointed under section 6.06 of this charter.

History: Added by Ch. 69-1179, Laws of Fla.

(11) The council assistant secretary, the council director of research, the council research assistants, and the executive director of the community relations commission.

(12) Assistant Data Processing Officers

(13) The following persons employed within the Radio Station WJAX Division:

- (a) Assistant Manager
- (b) Chief Engineer
- (c) Radio Announcer, Operator and Engineer

(14) The following persons employed by the Jacksonville Electric Authority, in addition to other persons as may be provided from time to time by any special act of the legislature.

- (a) One Secretary to the Managing Director
- (b) One Secretary to the Chairman of the Authority

(15) The following persons employed by the Duval County Hospital Authority:

- (a) Executive Director
- (b) Assistant Executive Directors
- (c) One Hospital Administrator
- (d) Associate and Assistant Hospital Administrators

(e) Hospital Administrative Specialists

(f) Chiefs of Departments

(g) Chaplains who have earned a bachelor of divinity degree or its equivalent

(h) One Secretary to the Executive Director

(16) Legislative Delegation Secretary.

(17) The secretary to the general counsel.

Any person in the classified civil service who is appointed to a position exempted from the civil service system by this section shall retain, and be entitled to return to, the same civil service classification, rights, status, and job value as held at the time of such appointment.

History: Subparagraphs 11 through 16 amended and added by Chapter 71-712, Laws of Florida.

Section 19.06. Administration.

(1) The civil service board shall appoint a chief administrative officer to the board who shall be responsible to the civil service board for insuring that the personnel policy of the consolidated government as promulgated by the civil service board shall be implemented by the personnel department of the consolidated government. The salary of the chief administrative officer shall be fixed by the council. The chief administrative officer may be removed at any time by a majority vote of the total number of members of the civil service board.

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

History: Chapter 70-743, Laws of Fla.

Section 19.07. Review. Any person covered by the civil service regulations of the consolidated government or who may be entitled to be covered by such civil service regulations may request that the civil service board review any action taken in the administration of the civil service regulations of the consolidated government pertaining to his employment or employment rights. If after review the civil service board does not approve the action taken, it

may order binding corrective action to be taken by the appropriate office, department, board of independent agency or provide such other relief as it deems appropriate.

History: Amended by Chapter 70-743, Laws of Fla.

Section 19.08. 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.

Section 19.09. 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.

Section 19.10. Exception of Certain Urban Services Districts. The preceding provisions of this Article 19 shall not apply to employees of the second, third, fourth and fifth urban services districts. The Civil Service systems of those urban services districts shall be determined in accordance with Section 2A.05 of this charter.

History: Section 19.10 was added by Ch. 67-1535, Laws of Fla.

ARTICLE 20

CODE OF ETHICS

History: Made an ordinance effective October 1, 1972, by Chapter 72-578, Laws of Florida.

Section 20.01. Declaration of Policy. *The proper operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people; that government decisions and policy be made in the best interests of the people, the community, and the government; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, the following code of ethics shall apply to all officers and employees of the consolidated government and the Duval County board of public instruction, whether elected or appointed, paid or unpaid, and to officers and employees of other independent agencies where so provided by special laws applicable to such other independent agencies.*

Section 20.02. Conflict of Interest. *No officer or employee of the consolidated government or any independent agency to which this code of ethics applies shall knowingly:*

(1) *Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties;*

(2) *Engage in or accept private employment or render services for private interest when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties;*

(3) *Disclose confidential information concerning the property, government, or affairs of the governmental body by which he is employed without proper legal authorization, or use such information to advance the financial or other private interest of himself or others;*

(4) *Accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm or corporation which to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the governmental body by which he is employed; provided, however, that any such officer or employee who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;*

(5) *Represent private interests in any action or proceeding against the governmental body by which he is employed;*

(6) *Vote or otherwise participate in the negotiation or the making of any contract with any business or entity in which he has a financial interest.*

Section 20.03. Disclosure. *Any officer or employee of the consolidated government who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the consolidated government shall disclose such private interest to the council. Any councilman who has a private interest in any matter pending before the council shall disclose such private interest on the records of the council and shall disqualify himself from participating in any decision*

or vote relating thereto. Any officer or employee of an independent agency to which this code of ethics applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such independent agency shall disclose such private interest to the governing body of such independent agency.

Section 20.04. Use of Public Property. No officer or employee of the consolidated government or any independent agency to which this code of ethics applies shall use property owned by such governmental body for personal benefit, convenience or profit except in accordance with policies promulgated by the council or the governing body of such independent agency.

Section 20.05. Testimony of Public Officials Relating to Public Affairs. Any officer or employee of the consolidated government who is duly and properly called as a witness before any consolidated government, state, or federal judicial or administrative tribunal, and who shall before such tribunal fail to answer any proper question concerning the performance of his official duties, shall be guilty of a violation of this code of ethics.

Section 20.06. Political Activities of Certain Officers and Employees. No officer or employee of the executive branch of the consolidated government (except elected officials and members of the advisory and regulatory boards), shall take any active part in political management or in political campaigns during duty hours. No leaves of absence shall be granted to such officers or employees for the purpose of participating in any political campaign. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates.

Section 20.07. Penalties. The violation of any of the preceding sections 20.02 through 20.06, inclusive, shall be punishable as follows:

(a) By reprimand; suspension for a period not exceeding six (6) months; reduction in rank; removal from office, employment or service; forfeiture of not more than three (3) months' salary; and loss of retirement or pension benefits, all as and when ordered by the board of ethics, except that no elected official may be suspended or removed from office except as provided in paragraph (b) below.

(b) In the case of any elected official, by suspension or removal from office, when determined by the council.

Section 20.08. Contracts Voidable and Rescindable. Any contract between the consolidated government or any independent agency to which this code of ethics applies and another party shall be voidable or rescindable at the option of the governmental body at any time within a period of one (1) year from the date of execution of such contract if any officer or employee of such governmental body has any interest in such contract and does not disclose such interest in accordance with section 20.03.

Section 20.09. Board of Ethics. The civil service board shall act as a board of ethics to enforce the provisions of this code of ethics. The board of ethics shall, on the written request of any officer or employee coming under the code of ethics, render advisory opinions concerning the provisions of this code of ethics. The board may in its discretion publish its advisory opinions with such deletions as may be necessary to prevent disclosure of the identity of the individual or individuals involved or concerned. The board shall receive, hear and investigate complaints concerning violations of this code of ethics. In any instance in which the board of ethics finds that a violation of the code of ethics exists, the board of ethics may impose any one or more of the penalties provided under paragraph (2) of section 20.07. In any instance in which the board of ethics determines that a violation of this code of ethics exists which, in the opinion of the board of ethics, justified the imposition of the sanctions provided in paragraph (b) of section 20.07, the board of ethics shall submit all relevant information related to such case to the council. In hearing and investigating complaints concerning violations of this code of ethics, the board of ethics shall have power to subpoena witnesses, administer oaths, take testimony and require other production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the board of ethics shall be guilty of a misdemeanor and punishable by a fine of not more than \$1,000 (one thousand dollars) or by imprisonment for not more than ninety (90) days or both.

Section 20.10. Exception for Certain Urban Services Districts. The preceding provisions of this Article 20 shall not apply to officers or employees of the second, third, fourth or fifth urban services district. Rules relating to the conduct of officers and employees of those urban services districts shall be determined in accordance with Section 2A.05 of this charter.

History: Section 20.10 was added by Ch. 67-1535, Laws of Fla. Made an ordinance effective October 1, 1972, by Chapter 72-578, Laws of Florida.

ARTICLE 21

AREA PLANNING AND LAND USE REGULATION

Section 21.01. General Power. In order to preserve and enhance its present advantages, to overcome its present handicaps and to prevent or minimize future problems, the City of Jacksonville may by ordinance

adopt and amend comprehensive plans to guide future development. To implement such comprehensive plans, the City of Jacksonville may adopt and enforce zoning regulations, subdivisions regulations,

building, plumbing, electrical, gas, fire, safety, and minimum housing codes, and such other regulations and codes as may be required for such purpose.

Section 21.02. Advisory Boards. The council shall utilize the services of the advisory boards included in this section and shall obtain advisory opinions or recommendations from such boards prior to taking any final action on ordinances or resolutions as provided herein. Where the advisory opinion or recommendation of the advisory board is to deny or to defeat any such ordinance or resolution, the council shall not grant or adopt such ordinance or resolution only after a public hearing on the matter before the council. Any aggrieved person may request a public hearing on a proposed zoning ordinance when such written request has been made prior to the meeting of the council to consider at which meeting said zoning proposal is to be considered.

(a) Advisory opinions or recommendations from the Jacksonville area planning board shall be obtained by the council on all ordinances or resolutions containing matters related to the adoption or amendment of comprehensive plans, zoning regulations, subdivision regulations, and other land use regulations.

(b) Advisory opinions or recommendations from the zoning board shall be obtained by the council on all ordinances or resolutions related to the zoning or rezoning of land and adoption or amendment of zoning regulations.

(c) Advisory opinions or recommendations from the Building Codes Adjustment Board shall be obtained by the Council on all ordinances or resolutions related to the adoption or amendment of building, plumbing, electrical, gas, fire, safety and minimum housing codes and such other codes which regulate the construction, occupancy, maintenance, or use of buildings or structures.

Section 21.03. Zoning Board. The zoning board provided for in Article 12 of this charter shall have the following powers and duties:

(a) To serve in an advisory capacity to the council on matters related to the zoning of land or the adoption or amendment of zoning regulations. In this capacity the zoning board shall not render an advisory opinion to council until it has considered the recommendations of the technical staff of the Jacksonville area planning board and has held a public hearing on the matter after not less than fourteen (14) days' public notice. All owners of property within three hundred (300) feet shall be sent notice verified by certificate of mailing.

(b) To serve as an appeals and adjustment board on matters related to zoning. In this capacity the board shall be authorized to:

(1) Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination by the administrative official in the enforcement of the zoning code or regulations.

(2) Grant zoning exceptions, provided it has considered the recommendations of the technical staff of the Jacksonville area planning board and has held a public hearing on such exception with not less than fourteen (14) days' public notice.

Exceptions are hereby defined as uses which would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote public health, safety, morals, order, comfort, convenience, prosperity or general welfare. Such uses may be permitted in any district or districts as exceptions if specific provisions for such exceptions are made in the zoning regulations relating to such districts.

(3) Grant zoning variances, provided it has held a public hearing on such variance after not less than fourteen (14) days' public notice. The board shall find the granting of such variance will not be contrary to the public interest and, owing to special conditions, a literal enforcement of the provisions of the zoning code will result in unnecessary and undue hardship. The zoning board may not grant a variance which permits the use of property contrary to zoning regulations.

The grant of a zoning exception or variance may be conditional upon such reasonable restrictions and safeguards as may be necessary to insure compliance with the intent and purpose of the zoning code and may prescribe time limits during which the use of the grant of exception or variance shall be exercised.

The zoning board may adopt rules concerning the form of application for zoning actions or appeals and concerning the procedures before the board. All persons presenting applications or appeals shall be entitled to a hearing before the board and may appear in person or by agent or attorney.

Section 21.04. Building Codes Adjustment Board. The building codes adjustment board provided for in Article 12 of this charter shall have the following powers and duties:

(a) To provide continuous study of the minimum housing code, and the building, plumbing, electrical, gas, mechanical, fire, safety or other codes related to construction and to consult with the appropriate administrative officials and other interested parties as to needed amendments thereto and to recommend to the council the adoption of codes or amendments thereto as may be found necessary or desirable.

(b) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the administrative official in the enforcement of minimum housing code, or the building, plumbing, electrical, gas, mechanical, fire, safety, or other similar codes adopted by the council.

(c) To authorize such variance from the terms of the minimum housing code or the building, plumbing, electrical, mechanical, gas, fire, safety, or other code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of such code will result in unnecessary and undue hardship.

In granting any variance the building codes adjustment board may prescribe appropriate conditions and safeguards in conformity with the applicable code and reasonable time limits within which the action for which the variance is required shall be begun or completed, or both.

The building codes adjustment board may adopt rules concerning the time within which appeals must

be made to it from any administrative determination, rules concerning the form of appeals, and rules concerning the procedures before the board. The board may stay any or all portions of work being performed in relation to any matter pending before it. All persons appealing any matters to the building codes adjustment board shall be entitled to hearings before the board, and may appear in person or by agent or attorney.

Section 21.05. Review of Decisions of the Zoning Board and the Building Codes Adjustment Board.
Decisions of the zoning board and the building codes

adjustment board in the granting of appeals, exceptions, or variances shall be subject to review only by the courts of the state of Florida. Any person aggrieved by any decision of such boards, or any taxpayer, or any officer, department or agency of the consolidated government may present to the circuit court having jurisdiction in Duval County a petition for writ of certiorari as provided by the Florida Appellate Rules. The matter shall be considered on the basis of the record before such boards, and the circuit court shall not conduct a trial de novo.

History: Made an ordinance effective October 1, 1972, by Chapter 72-578, Laws of Florida.

ARTICLE 22

TRANSITION AND EFFECTIVE DATE

Section 22.01. Initial Election. Initial election shall be held for the offices of mayor, councilman, tax assessor, tax collector, supervisor of elections, sheriff, judge of the municipal court, and members of the civil service board in the fall of 1967. General laws applicable to the election of county offices shall apply to the conduct of such elections, and they shall be supervised by the county commissioners of Duval County, Florida. Candidates shall qualify to run for any office on or before September 26, 1967. The first primary election shall be held on October 24, 1967. In all contests where no candidate receives a majority of the votes cast, a second primary shall be held on November 7, 1967. The general election shall be held on December 5, 1967. Officers elected at such initial election shall begin their term of office on the effective date of this charter, except as provided in section 22.03, and such term of office shall end on June 30, 1971.

Section 22.02. Effective Date of Charter. This charter shall become effective on October 1, 1968, except as herein otherwise expressly provided.

Section 22.03. Certain Early Assumption of Duties. The mayor, councilmen, tax assessor, tax collector, supervisor of elections and sheriff and members of the civil service board elected in the initial election shall take office on March 1, 1968, but until October 1, 1968, may exercise only the following limited powers: The mayor shall have the power to appoint directors of departments, the chief administrative officer, the budget officer, the city accountant, the treasurer, and the city attorney, who shall take office on March 1, 1968, or as soon thereafter as they are selected. Until October 1, 1968, such officers shall have authority only to assist the mayor and the council in the preparation of the initial consolidated government budget and formation of and preparation for the initial consolidated government.

The tax assessor, tax collector, supervisor of elections and sheriff and civil service board members shall prepare and submit to the director of finance on or before July 1, 1968, information and budget recommendations for the

purpose of compiling an annual budget. The mayor shall have the power to prepare and submit a budget for the initial budgetary year of the consolidated government.

The council shall have the power to hold organizational meetings, to establish standing and ad hoc committees, to select its officers and employees, to confirm the directors of departments, to fix the salary of officers employed by the mayor, and to review and take action upon all budgets submitted to it by the consolidated government and independent agencies.

Each officer who assumes office prior to October 1, 1968, pursuant to this section 22.03 shall be entitled to receive compensation for his services during the period from the date his services begin to October 1, 1968, at the annual rate fixed for the office in this charter or by the council pro-rated over the actual period of service. Such compensation shall be paid monthly during the period by the county commissioners of Duval County. Officers of the consolidated government who assume duties early pursuant to this section may employ such employees as the council may authorize. The salaries of such employees as the council may authorize. The salaries of such employees prior to October 1, 1968, shall be paid by the county commissioners of Duval County. The county commission of Duval County shall also pay the reasonable expenses of such officers and employees.

Notwithstanding any other provision of general or special law, any person may be an officer of the consolidated government and hold office prior to October 1, 1968, pursuant to this section 22.03, even though during the same time such person may hold any other office in a former government. Any person who, during the period from March 1, 1968, to October 1, 1968, is an officer or employee of the consolidated government and of a former government, shall receive compensation only as an officer or employee of the former government during that period of time, and such compensation shall be paid by the former government.

Section 22.04. Cooperation of Former Governments. From and after March 1, 1968, all offi-

cers, officials, employees, departments and agencies of the former governments shall cooperate with and assist the mayor and the other officers of the consolidated government in planning the initial consolidated government budget, planning the consolidation of the agencies of the former governments, and transferring the duties and responsibilities of such agencies to the appropriate agencies of the consolidated government and in all other respects in order that the transfer of the governmental and corporate functions of the former governments to the consolidated government shall be accomplished in the most orderly possible fashion. The mayor and the officers of the consolidated government shall be entitled to examine all records, files and other data in the possession of the former governments and all officers, officials, employees, and departments thereof. The former governments shall, to the extent possible, provide working areas and facilities for the officers and employees of the consolidated government.

Section 22.05. Ordinances and Regulations Continued. All ordinances and resolutions of former governments which are in force on the effective date of this charter shall continue in full force and effect after the effective date of this charter in the areas to which they apply immediately prior to the effective date of this charter until repealed, modified, or amended by the council. All orders, rules and regulations made by any agency or officer of any of the former governments which are in force on the effective date of the charter shall continue in full force and effect in the areas in which they apply immediately prior to the effective date of

this charter until repealed, revised or modified by the appropriate department, agency or officer of the consolidated government.

Section 22.06. Offices and Officers of Former Governments. On the effective date of this charter all offices, officers, officials, boards, commissions and agencies of any of the former governments shall cease to exist and shall be abolished except as may otherwise be provided in section 22.07 of this charter and all powers, functions and duties thereof shall be transferred to and vest in the consolidated government. However, all the offices, officers, officials, boards, commissions and agencies of the former governments shall continue temporarily to perform their respective functions for the consolidated government until their respective successors have been elected, appointed or provided by the consolidated government. All such offices, officers, officials, boards, commissions and agencies shall be entitled to receive from the consolidated government for the period of time they continue to serve the same compensation they were receiving on the effective date of this charter. All such offices, officers, officials, boards, commissions and agencies shall promptly account to and pay to the consolidated government any and all funds or other property for which they would have been accountable to any of the former governments.

Section 22.07. Certain Officials Continued in Office. The following officials of former governments shall continue to serve as officials of the consolidated government until and unless removed from office in accordance with this charter.

Office in Former Government

Duval County medical examiner
 Chief of police of the city of Jacksonville
 Chief fire warden of the city of Jacksonville
 Coordinator of Duval County fire protection
 Duval County agricultural agent
 Trustees of the Jacksonville free library
 Duval County engineer
 Members of the city of Jacksonville recreation board
 Head of the city of Jacksonville building department
 Head of the city of Jacksonville health department
 Head of the city of Jacksonville department of weights and measures
 Chief librarian of the Jacksonville free public library
 Head of the city of Jacksonville radio station WJAX
 Head of the city of Jacksonville department of street cleaning, garbage collection and garbage disposal
 Jacksonville city engineer
 Veterans officer of Duval County
 Secretary and personnel director, city and county civil service board

Office in Consolidated Government

Medical examiner
 Chief of police
 Urban fire chief
 General services fire chief
 Duval County agricultural agent
 Members of the board of library trustees
 Superintendent of streets and highways
 Members of the recreation advisory board
 Chief building inspector
 Public health officer
 Weights and measures officer
 Chief librarian
 Manager of radio station WJAX
 Superintendent of garbage and street cleaning
 City engineer
 Veterans service officer
 Personnel manager and executive secretary, civil service board

Section 22.08. Employees Continued. 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 of section 7.504 of this charter. 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 18.02 of this charter. 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.

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 transferral with the same status as held under 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.

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 connection 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 departments heads.

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.

Section 22.09. Proceedings Before Agencies of Former Governments Continued. All petitions, hearings and other proceedings pending before any officer, office, department or board of any of the former governments shall continue and remain in full force and effect, notwithstanding that such agency may have been abolished or consolidated by this charter; and the petition, hearing, or proceeding shall be completed by the officer, office, department or board of the consolidated government which succeeds to the rights, duties and obligations of such abolished or consolidated agency.

Section 22.10. Duval County School Board. Members of the Duval County school board elected prior to the effective date of this charter shall continue to serve as members of the board and shall be compensated as members of the board until the expiration of the term for which they were elected, even though after the initial school board election there will temporarily be more than seven (7) members of the school board.

Section 22.11. Transitional Budgetary Provisions. It is the intention hereof that the budgetary provisions of this charter be applicable to the initial budgetary year of the consolidated government, which shall begin on October 1, 1968, and end on September 30, 1968, and that all property taxes levied in Duval County which are payable after the effective date of this

charter shall be based upon the budgets of the consolidated government and independent agencies approved by the council as herein provided. In furtherance of this object and to effect an orderly transition of the fiscal affairs of the various governmental bodies involved, the following provisions shall apply:

(a) **Initial City Budget.** A proposed consolidated government budget shall be prepared and submitted to the council by the mayor in accordance with the provisions of article 15 hereof on or before June 1, 1968. The budget shall be approved in accordance with this charter on or before August 1, 1968. The initial consolidated government budget prepared and approved in accordance with this paragraph (a) shall utilize as revenues the carryovers from the budgets of former governments hereinafter provided for.

(b) **Budgets of Independent Agencies.** The budgets of independent agencies which, under the provisions of this charter, are required to be approved by the council shall be submitted to the council on or before June 1, 1968, and action taken by the council thereon in accordance with this charter on or before August 1, 1968. Where existing laws require the appropriation of certain tax millages to such independent agencies, the council shall appropriate such millages to such independent bodies.

(c) **Previous Authority Over Budgets Extinguished.** Where responsibility for the adoption or approval of any budget is transferred hereby to the council, no former government or any agency thereof shall have any duty, responsibility, authority or right concerning any such budget, notwithstanding any other provision of general or special laws.

(d) **Duval County Budget for the Fiscal Year October 1, 1967 to September 30, 1968.** The Duval County budget for the fiscal year beginning October 1, 1967, and ending October 1, 1968, shall include appropriations sufficient to cover (1) the cost to the county of the initial consolidated government election required by section 22.01 hereof, (2) the cost of paying the councilmen, mayor, officers and employees of the consolidated government during the period from March 1, 1968, to October 1, 1968, in accordance with section 22.03, in an amount not less than the ratio of funds budgeted as carried over for the budget year 1967 by the Duval County budget commission plus an additional amount based on application of the same ratio to the amount that is budgeted for city functions for the first nine (9) months of 1968.

(e) **Budget of Other Former Governments.** The budget of the former city of Jacksonville for the fiscal year beginning on January 1, 1968, shall terminate on September 30, 1968. Such budget shall include a carryover fund in an amount not less than two-ninths (2/9) of such budget, which carryover fund shall be paid over to the proper officers of the consolidated government on October 1, 1968. The budgets of the former cities of Jacksonville Beach, Atlantic Beach, Neptune Beach and the town of Baldwin for the fiscal year beginning on January 1, 1968, shall continue to December 31, 1968, but shall, on October 1, 1968, become the budgets of the second, third, fourth and fifth urban services districts respectively. The second, third, fourth and fifth urban services districts shall be on a calendar fiscal year, notwithstanding any provisions of this charter.

History: Subsection (e) was amended by Ch. 69-1535, Laws of Fla.

ARTICLE 23

MISCELLANEOUS PROVISIONS

Section 23.01. Authority to Compel Attendance of Witnesses and Production of Documents. The council, the civil service board, the zoning and building codes adjustment board, the equalization board, and every other officer and agency of the consolidated government authorized hereby to conduct investigations or to hold hearings shall have the power to compel the attendance of witnesses and production of books, papers and record 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 (one thousand dollars) or by imprisonment for not more than 90 (ninety) days, or both.

Section 23.02. Delegation of Duties. Where any provision of this charter requires specific executive officers of the consolidated government to take formal action, such action may be taken by the specified officer or by his duly authorized agent and routine actions may be taken by authorized agents as a matter of convenience in all cases where the power involved is clearly delegable.

Section 23.03. Consolidated Government to Constitute a County and a 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 urban services districts shall be considered to be municipalities and the general services district considered to be a county.

Section 23.04. 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 where the loan is guaranteed by a federal agency.

Section 23.05. Method of Amendment of Charter. Except as provided in sections 7.104 and 12.107, this charter may be amended only in the following manner:

An amendment to this charter may be proposed by ordinance or by a petition signed by qualified voters of Duval County equal in number to at least five per cent (5%) of the total number of registered voters in the city at the time of the last preceding general consolidated government election; provided, the same amendment 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 per cent (10%) of the total number of registered voters in the city at the time of the last preceding general consolidated government election. Any petition shall be filed with the secretary of the council and shall be executed and validated or invalidated by the supervisor of elections in the same manner provided in section 17.08 of this charter for petitions for recall.

History: This paragraph was amended by Ch. 69-1180 and 72-572, Laws of Fla.

When an amendment to this charter has been properly proposed, the supervisor of elections shall cause a public referendum to be held to approve or disapprove the proposed amendment. 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 after the proper proposal of the amendment.

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 the exact language of the proposed amendment as it will appear on the ballot.

The ballot for the referendum shall be prepared so as to set forth the exact language of each proposed amendment. Each proposed amendment shall be ratified when a majority of the votes cast at the referendum election shall be in favor of ratification and each proposed amendment shall be rejected when a majority of said votes shall be against ratification.

If any proposed amendment is ratified by a majority of the electors voting thereon, it shall become a part of this charter at the time fixed in the amendment; and if no time is fixed therein, then it shall become a part of this charter 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.

Section 23.06. Charter Revision Commission Authorized. The council may by ordinance establish a charter revision commission to hold hearings and to make recommendations to the council with respect to amendments to this charter.

Section 23.07. Intent of Charter and Separability of Provisions. The people residing within Duval County declare and determine that by the adoption of this charter it is their intent to exercise to the full extent possible the constitutional power granted by section 9 of article VIII of the 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 city of Atlantic Beach, the city of Jacksonville Beach, the city of Neptune Beach, and the town of Baldwin, the Duval County air improvement authority, the east Duval County mosquito control district, and the northeast Duval County mosquito control district, so that, in the interest of modern, efficient and economical government, the same shall constitute one governmental entity. The people further declare that to achieve this objective and to aid in the solution of the public problems of Duval County, it is their purpose and intent that this charter shall continue in full force and effect even if any of its separable provisions or parts shall be held unconstitutional or void.

ARTICLE 24 DEFINITIONS

Section 24.01. Definitions. For all purposes of this charter the following terms shall have the following meanings:

(1) "Bonds," "revenue bonds," and "ad valorem bonds" shall have the meanings given those terms in section 16.08 of this charter.

(2) "Consolidated government" shall mean the city of Jacksonville as established by this charter, as amended from time to time.

(3) "Council districts" shall mean the 14 (fourteen) districts from which councilmen are elected. The 14 council districts are initially described in appendix 1 to this charter, but may be altered and changed as provided in section 5.02 of this charter.

(4) "Executive officer" shall mean the mayor, the chief administrative officer, directors of departments, deputy directors of departments, and chiefs of divisions.

(5) "Former governments" shall mean the former county government of Duval County, the former city of Jacksonville, the former city of Jacksonville Beach, the former city of Atlantic Beach, the former city of Neptune Beach, the former Town of Baldwin, 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.

(6) "General services district" shall mean the total area of Duval County.

(7) "Independent agencies" shall mean the Duval County board of public instruction, the Jacksonville port authority, the Jacksonville-Duval area planning board, the Jacksonville expressway authority, the Jacksonville electric authority, and the Duval county hospital authority of Duval County.

Editor's Note: Duval county beaches public hospital board was deleted from this section by Chapter 70-749, Laws of Fla.

(8) "School board" shall mean the Duval County board of public instruction.

(9) "School board districts" shall mean the seven (7) districts from which school board members are elected. The seven (7) school board districts are initially described in appendix 2 to this charter, but may be altered or changed as provided in section 14.03 of this charter.

(10) "Urban services districts" shall mean the two districts initially described in section 2.01 of this charter as they may be expanded or consolidated pursuant to sections 2.02 and 2.03 of this charter.

(11) "Zoning exceptions" shall mean a use of real property which is not permitted generally or without restriction throughout the applicable zoning district, but which the council may authorize pursuant to section 21.03 of this charter.

(12) "Zoning variances" shall mean a departure from applicable zoning regulations which the zoning and building codes adjustment board is permitted to authorize pursuant to section 21.04 of this charter.

ARTICLE 25

ANNUAL AD VALOREM TAX LEVIES; LIMITATIONS AND INCREASES

Section 25.01. Millage Limitations.

(a) The Council. 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 the additional purposes and in the additional amounts set forth as follows:

1. For the Duval County School Board for support and maintenance of schools, not more than ten (10) mills on the dollar, and such amounts as are permitted by general law.

2. For levies on the general services district for all other governmental purposes, including appropriations for general governmental purposes, all independent agencies of the consolidated government, and special service and improvement district funds, not more than 14 (fourteen) mills on the dollar.

3. In urban services districts for the additional governmental services provided in each such urban services district, not more than six (6) mills on the dollar.

Section 25.02. Increases and Decreases in Millage Limitations. No increase shall be allowed in any of the millage limitations provided in section 25.01 above 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% (twenty per cent) in number of such electors voting in the last such special referendum in the general services district or 20% (twenty per cent) 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 (1) such special referendum shall be held in any calendar year.

History: Amended by Chapter 71-695, Laws of Florida.

ARTICLE 26

REFERENDUM AND EFFECTIVE DATE

Section 26.01. Referendum. The provisions of the charter of the city of Jacksonville in article 1 through 25 of this act shall become operative and effective when this act shall be ratified and approved by a majority of the qualified electors voting in a special election to be held in Duval County under the provisions of law for special elections on the second Tuesday in August, A.D. 1967, pursuant to section 9, article VIII, of the Constitution of the state of Florida. Notice of said election shall be given by the

clerk of the circuit court of Duval County, Florida, by publishing the same once each week for four (4) consecutive weeks in a daily newspaper published in said county, the first publication to be not less than thirty (30) days before said election. Said notice shall be in substantially the following form:

"Notice is hereby given that an election will be held in Duval County, Florida, on the eight (8th) day of August, A.D. 1967, for the approval or disapproval of the charter of the consolidated

government of the city of Jacksonville to extend territorially throughout the limits of Duval County."

It shall be the duty of the board of county commissioners of Duval County to provide for the holding of said election as provided herein. The canvassing board of said election shall file a certificate of the result of the election with the secretary of state and with the city recorder of the city of Jacksonville, and said certificate shall be recorded by the supervisor of elections of Duval County in the record of election returns.

Section 26.02. Question on Ballot. The question to appear on the ballot to be used at said special election shall be as follows:

"Shall there be a consolidated government extending throughout the territorial limits of Duval County, to be named the city of Jacksonville, pursuant to the provisions of section 9, article VIII, of the Constitution of the state of Florida, as provided by house bill 3029, laws of Florida, regular session 1967, as amended? Yes _____ No _____."

ARTICLE 27

EMPLOYEE RELATIONS

Chapter 1

General Provisions

Section 27.101. 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.

Section 27.102. Definitions.

a. "Public employer" or "employer" shall mean 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 19.05 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 the performance of duty, sanctioning, refusing to cross 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 a 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. "Bargaining agent" will be the representative of the employee unit affected, duly selected as provided herein. It may be any employee organization as defined in subsection (g) herein.

e. "Policemen" shall mean 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 lieutenant. This definition shall apply to this act only and shall not be construed to alter change or amend the term policeman as otherwise used in the Statutes of this State.

f. "Firemen" shall mean 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.

g. "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.

h. "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.

i. "Professional employee" means:

(1) Any employee engaged in work:

(a) predominantly intellectual and varied in character as opposed to routine mental, manual mechanical or physical work;

(b) involving the consistent exercise of discretion and judgment in its performance;

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

(d) 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, an apprenticeship or training in the performance or routine mental or physical processes; or

(2) Any employee who:

(a) had completed the course or specialized intellectual instruction and study described in paragraph i. (1) (d) herein, and

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

j. "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.

k. The term "supervisory employee" or "supervisor" shall mean 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 judgement, 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.

Chapter 2

Public Employees Collective Bargaining

Section 27.201. 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; provided, however, that 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.

Section 27.202. Public employees' 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.

Section 27.203. 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.

Section 27.204. Bargaining agent; recognition, investigation.

a. Any employee organization acting on behalf of two (2) 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 thirty per cent (30%) 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 such 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 provisions of subsection (a) of this section, 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 (60th) 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 insure that the representation 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 Supervisor of Elections, the cost of which shall be borne as agreed upon by the employer and the proposed bargaining agent.

Section 27.205. 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 ten per cent (10%) 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 (2) or more employee organizations are on the election ballot and no organization receives a majority of the valid ballots cast by the public employees in the bargaining unit, a runoff election shall be held.

c. The runoff election ballot shall contain the two (2) choices from the original ballot which received the largest number of votes.

Section 27.206. 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 thirty per cent (30%) of the employees in the bargaining unit have voted, and;

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; and

(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 one (1) year of certification or less than nine (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 one (1) year of such election.

e. No question concerning representation shall be raised by any public employee, group or public employees, employee organization, or public employer within one (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.

Section 27.207. 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 19.07 of this charter.

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, the Council, and in the event such employees in the bargaining unit are employed by or under the control and 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 19.07 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 such 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 agent 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 ten (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 three (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 requested amount is appropriated, the collective bargaining agreement shall be returned to the public employer and the bargaining agent for further negotiations within the framework of the amount of the funds so appropriated.

Section 27.208. Advisory arbitration.

a. Unresolved issues submitted to Advisory Arbitration. — In the event the bargaining agent and the employer, within thirty (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 five (5) days from the expiration of the thirty (30) day period referred to in section a. hereof, the bargaining agent and the employer shall each select and name one (1) arbitrator and shall immediately thereafter notify each other in writing the name and address of the person so selected. The two (2) arbitrators selected and named shall, within ten (10) days from and after the expiration of the five (5) day period hereinbefore mentioned, 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 (5) arbitrators. The employer and the bargaining agent shall alternately subtract one (1) 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 ten (10) days after the date of the appointment of the chairman and shall, acting through its chairman, give at least seven (7) days notice in writing to each of the other two (2) 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, the production of books, records, and other evidence relative or pertinent to the issues presented to them for determination. The hearings conducted by the arbitrators shall be concluded within twenty (20) days of the time of commencement and within ten (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 interests 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:

(a) 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.

(b) 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.

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

(d) Interest and welfare of the public.

(e) 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.

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

(g) 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.

Section 27.209. 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 section 27.209 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 section 27.209 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. An employee organization which is found to be in contempt of court for violating an injunction against a strike shall be fined not less than five thousand dollars (\$5,000.00) nor more than twenty thousand dollars (\$20,000.00) 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 fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) 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 section 27.209 a. The only question that may be raised in any proceeding, grievance, judicial or otherwise, contesting such action is whether section 27.209 a. was violated by the employee to be discharged.

Section 27.210. 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; and

(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.

History: Amended by Ordinance 71-344-113, passed by Referendum.

ARTICLE 28

JACKSONVILLE DOWNTOWN DEVELOPMENT AUTHORITY

Section 28.101. There is hereby created and established a body politic and corporate to be known as the Jacksonville Downtown Development Authority, an independent agency of the City of Jacksonville, for the general purpose of planning, coordinating, and assisting in the implementation of the revitalization and redevelopment of the Jacksonville downtown area.

Section 28.102. As used in this article:

(1) "Authority" means the Jacksonville Downtown Development Authority.

(2) "Charter" means the charter of the City of Jacksonville.

(3) "City" and "City of Jacksonville" mean the City of Jacksonville created pursuant to Section 9 of Article VIII of the 1885 Constitution of the state.

(4) "Council" means the council of the City of Jacksonville.

(5) "Executive Director" means the chief executive officer of the authority.

(6) "Mayor" means the mayor of the City of Jacksonville.

(7) "Member" means a member of the authority.

(8) "Jacksonville Downtown Area" means the core area in the City of Jacksonville as so designated by the council from time to time for purposes of this article.

(9) "Planning board" means the Jacksonville area planning board.

Section 28.103. The authority shall not transact any business or exercise any power hereunder unless and until the council finds and declares by ordinance

that there exists a need for the redevelopment of the Jacksonville downtown area as provided herein. The ordinance shall prescribe the boundaries of the Jacksonville downtown area for purposes of this article, and shall be adopted only after a public hearing before the council, notice of the time, place and purpose of which has been published once in a newspaper of general circulation in the city at least two weeks before the day of the hearing. After the adoption of such an ordinance, the council may alter or amend any section or provision in this article except sections 28.101, 28.102, 28.103, and 28.104(1) and 28.106.

Section 28.104.

(1) The governing body of the authority shall consist of seven (7) members who shall be appointed by the mayor and confirmed by the council. Each member shall serve for a term of four (4) years, expiring on September 30, or thereafter until his successor has been appointed and has qualified, but the terms of the first members appointed shall be so staggered that the terms of two (2) members expire on September 30 of each of the three (3) calendar years following the year in which the council adopts the ordinance described in section 3 of this article, and the term of the seventh member expires on September 30 of the fourth such calendar year. A vacancy on the authority shall be filled for the unexpired term only, and in the same manner as provided for appointments for full terms.

(2) Each member of the authority shall have attained the age of twenty-five (25) years and shall have been a resident of the city for at least two (2)

years prior to his appointment. No officer or employee of the city shall be eligible for appointment to the authority. If at any time during his term a member shall cease to be a resident of the city or shall become an officer or employee of the city, he shall cease to be a member of the authority. No person may serve more than two (2) consecutive full terms as a member of the authority.

(3) The members of the authority shall not be entitled to compensation, pension or other retirement benefits on account of service on the authority but shall be entitled to receive their traveling expenses and other actual expenses incurred in the performance of their duties of office in a sum per diem equal to and computed in the same manner as the amount allowed officials of the City of Jacksonville for travel and subsistence while traveling on public business. Members of the authority shall be subject to the provisions of Article 20 of the charter, the code of ethics.

(4) The authority shall elect a chairman, vice-chairman and secretary, each of whom shall serve for one (1) year or until his successor is chosen. The authority shall adopt and promulgate rules governing its procedures subject to approval by the council and shall hold regular meetings no less often than one (1) each month. Special meetings may be held upon the call of the chairman or any three (3) members of the authority. A majority of the membership shall constitute a quorum for the purpose of meeting and transacting business. Each member of the authority shall have one (1) vote.

Section 28.105. The authority shall have the following specific powers and duties:

(1) To make or cause to be made studies and analyses of economic changes taking place in the Jacksonville downtown area and of the impact of metropolitan growth upon that area;

(2) To prepare, in coordination with the planning board, a plan or plans for the development and redevelopment of the Jacksonville downtown area, and to submit them for review and approval by the planning board and the council;

(3) To implement any plan of development in the Jacksonville downtown area which has been approved by the council, by

(a) Coordinating development and redevelopment by public and private enterprise;

(b) Encouraging private development and redevelopment in a manner consistent with the plan;

(c) From time to time proposing such revisions in the plan as appear to the authority to be appropriate and in the best interest of the city, consistent with the goals of this article; and

(d) Constructing, acquiring, repairing, and operating any public development or project covered by the plan, or coordinating any of the foregoing among other governmental agencies, as the council may provide from time to time;

(4) In coordination with the planning board, develop long-range plans designed to halt the deterioration of property values in the Jacksonville downtown area, and encourage property owners to implement the plans to the fullest extent possible;

(5) To acquire by purchase or the exercise of the power of eminent domain, which must be in the best

interest of the public, for public purposes only subject to approval by the council, on such terms and conditions and in such manner as it may deem proper and to own, convey and otherwise dispose of and to lease as lessor and lessee, any land and any other property, real and personal, and any rights and interests therein which it may determine to be reasonably necessary in furtherance of its other powers under this article, and to grant and acquire licenses, easements and options with respect thereto; provided however that the compensation paid to owners of land and any other property, real and personal, or any property right, who have said rights acquired from them under this act by eminent domain, shall include reasonable reimbursement for relocating an existing business; and provided further that any property leased to private interests shall not be exempt from ad valorem taxes.

(6) To improve land, construct, reconstruct, equip, improve, maintain and repair parking facilities, parks, plazas, malls, walkways and other public facilities and any necessary or desirable appurtenances thereto within the Jacksonville downtown area;

(7) To fix, charge and collect fees, rents and charges for the use of any project, any part thereof, and any facilities furnished thereby, and of any property under its control, and to pledge such revenue to the payment of revenue bonds issued by it;

(8) To accept grants and donations of any type of property, labor, and other things of value from public and private sources, and to expend public funds for public purposes in the Jacksonville downtown area as a part of and in cooperation with any private project;

(9) To enter into contracts in furtherance of its duties and in the exercise of its powers, and to contract and otherwise cooperate with and participate in all projects and undertakings of the United States and the State of Florida and all of their agencies and instrumentalities in furthering the purposes of this article;

(10) To grant to and receive from the city conveyances of property interests, grants, contributions, loans, and other rights and privileges;

(11) To issue bonds of the authority, payable solely from revenues, to pay all or a part of the cost of one or more projects authorized by this article or to refund any bonds issued under this article. The bonds shall be offered for public sale and shall be awarded to the bidder whose bid produces the lowest net interest cost, calculated in the manner the authority may prescribe in accordance with sound financial practices. Notice of sale of the bonds shall be published at least twice in a newspaper published in and having a general circulation in Duval County; the first publication shall be at least fifteen (15) days prior to the date set for opening bids. The authority shall reserve the right to reject any and all bids. The bonds may be issued by the authority only upon approval by ordinance of the council. Notwithstanding any provisions of any other law or laws to the contrary all revenue bonds, including refunding bonds, issued pursuant to this article shall constitute legal investments for savings banks, banks, trust companies, executors, administrators, trustees, guardians, and other fiduciaries, and for any board,

body, agency or instrumentality of the state, of any county, municipality, or other political subdivision of the state; and shall be eligible as security for deposits of state, county, municipal and other public funds; and

(12) To borrow money and to issue notes for any purpose or purposes for which bonds may be issued under this article and to refund the same; to issue notes in anticipation of the receipt of the proceeds of the sale of bonds.

Section 28.106. The authority shall have fiscal and budgetary functions, subject to the following limitations:

(1) The fiscal year of the authority shall commence on October 1 of each year and end on the following September 30.

(2) The authority shall prepare and submit its budget for the ensuing year to the city council on or before June 1 of each year, setting forth its estimated gross revenues, and estimated requirements for operations and maintenance expenses, debt service, and depreciation. A copy of the budget shall be published once in a newspaper of general circulation in the city during the month of June. The council and the mayor of the city shall approve or disapprove the budget in the manner provided in the charter of the city for budgets of independent agencies.

Section 28.107. Except as the council may provide, the authority shall utilize the central services of the city, and shall pay for them on a cost accounted basis. The authority may utilize such other service 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 authority 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 making such purchases.

Section 28.108. The authority shall employ and fix the compensation of an executive director and provide for the employment of other employees. All employees of the authority shall be employees of the city, shall be subject to Articles 18, 19 and 20 of the charter of the city, except as otherwise provided by the council, and, except that the executive director, professional employees and the heads of such departments as the authority may establish, shall not be within the civil service system of the city. The authority may also employ certified public accountants, consultants, and other special purpose employees not within the civil service system of the city.

Section 28.109. All instruments in writing necessary to be signed by the authority shall be executed by the chairman and secretary, or by such officer, agent or employee of the authority as it may by resolution designate. The authority shall provide for the examination of all payrolls, bills, and other claims and demands against the authority to determine before the same are paid that they are duly authorized, in proper form, correctly computed, legally due and payable, and that the authority has funds on hand to make payment.

History: Added by Chapter 71-693, Laws of Florida.

Chapter 67-1535

Beaches Referendum and Effective Date

Section 2. This act shall become effective on October 1, 1968, but only if there shall take effect on the same date a new charter for the city of Jacksonville pursuant to Section 9 of Article VIII of the Constitution of the State of Florida, and only if this act is ratified and approved by a majority of the qualified electors voting in a referendum special election to be held in the cities of Jacksonville Beach, Atlantic Beach, Neptune Beach and the town of Baldwin on August 8, 1967, simultaneously with the special election to be held on the date in Duval County pursuant to the authority of Section 9, Article VIII of the Constitution of the State of Florida, and House Bill 3029, Laws of Florida, regular session 1967. Only qualified electors of the municipalities of the city of Jacksonville Beach, Atlantic Beach, Neptune Beach and the town of Baldwin shall be entitled to vote in the referendum provided by this act. The question to appear on the ballot on the voting machines in said municipalities for such referendum shall be as follows:

"Shall the cities of Jacksonville Beach, Atlantic Beach, Neptune Beach and the town of Baldwin become the second, third, fourth and fifth urban services districts and retain the same local governmental structure, boards, bodies, officers and laws of their respective former municipalities under the consolidated government of the city of Jacksonville

pursuant to Section 9, Article VIII of the Constitution of the State of Florida in the event such consolidated government is ratified and established? Yes. No."

This act shall become effective only if a majority of those qualified electors of the cities of Jacksonville Beach, Atlantic Beach, Neptune Beach and the town of Baldwin voting shall vote 'yes' on the question set forth above.

A majority of qualified electors as used in this act shall be defined as a majority of the total aggregate vote of all the qualified electors in the referendum from all the municipalities wherein the referendum is held.

The cities of Jacksonville Beach, Atlantic Beach, Neptune Beach and the town of Baldwin shall provide for the holding of said special referendum election as provided herein in their respective municipalities pursuant to the provisions of general and special laws and the respective charters and ordinances of such respective municipalities for holding special elections and to certify the results of such election to the canvassing board of Duval County within two days after such election.

The canvassing board of Duval County shall then tally the aggregate result of the election provided herein from all said municipalities and certify such aggregate result to the Supervisor of Elections of

Duval County and the Secretary of State of the State of Florida.

Ed. Note: Chapter 67-1535, Laws of Florida, popularly known as "the Beaches amendment," was enacted as an amendment to the principal charter legislation, Ch. 67-1320, Laws of Fla., but became effective by referendum at the same time, October 1, 1968.

Section 26.03. Construction of Act. If any part of this act is held unconstitutional, the remainder thereof shall remain in full force and effect.

Section 26.04. Short Title. This act may be cited as "charter of the city of Jacksonville."

Section 26.05 Effective Date. This act, except as herein otherwise provided, shall take effect upon its becoming a law.

**Ed. Note: There are no pages numbered 51 through 60
inclusive; see page 61 for continuation of text.**

APPENDIX 1

COUNCIL DISTRICTS

In the following descriptions of the council district boundaries, unless specifically stated otherwise, the center line of such boundary is implied.

COUNCIL DISTRICT 1

Beginning at the intersection of a northerly projection of Gilmore Heights Road and Back River; Thence easterly and northeasterly with Back River to the channel of Fulton Cut; Thence northeasterly with the channel of Fulton Cut to the channel from the St. Johns River; Thence easterly with the channel of the St. Johns River to the Intracoastal Waterway; Thence southerly with the Intracoastal Waterway to Chicopit Bay; Thence northeasterly with Chicopit Bay to State Road A1A passing south of the unnamed island; Thence southerly with State Road A1A to the south fence line of the U. S. Naval Station, Mayport; Thence southeasterly and easterly and northeasterly across Mayport Road and easterly and northeasterly along the south fence line and a projection thereof to the Duval County line in

the Atlantic Ocean;

Thence southerly along said county line to a projection of the southern boundary line of Duval County; Thence westerly along said boundary line to San Pablo Road; Thence northerly along San Pablo Road to Beach Boulevard; Thence westerly along Beach Boulevard to the most westerly St. Johns Bluff Road; Thence northerly along St. Johns Bluff Road to Atlantic Boulevard (State Route 10); Thence westerly along Atlantic Boulevard to the expressway (State Route 10A); Thence westerly along the expressway to Strawberry Creek; Thence northerly along Strawberry Creek to Lone Star Road; Thence easterly along Lone Star Road to Gilmore Heights Road; Thence northerly along Gilmore Heights Road to the point of beginning.

COUNCIL DISTRICT 2

Beginning at the intersection of the expressway (State Route 10A) and the channel of the St. Johns River; Thence northwesterly and northeasterly, easterly and southerly along said channel to the middle of Back River; Thence southeasterly along the middle of the Back River to a northerly projection of Gilmore Heights Road;

Thence southerly along said projection and Gilmore Heights Road to Lone Star Road; Thence westerly along Lone Star Road to Strawberry Creek; Thence southerly along Strawberry Creek to the expressway (State Route 10A); Thence westerly along the expressway to the point of beginning.

COUNCIL DISTRICT 3

Beginning at the intersection of the expressway (State Route 10A) and the channel of the St. Johns River; Thence easterly along the expressway (State Route 10A) to Atlantic Boulevard (State Route 10); Thence easterly along Atlantic Boulevard to St. Johns Bluff Road; Thence southerly along the most westerly St. Johns Bluff Road to Beach Boulevard; Thence westerly along Beach Boulevard to Big Pottsburg Creek; Thence southwestwardly and southerly along Big Pottsburg Creek to Belfort Road; Thence southwestwardly along Belfort Road to Interstate

95; Thence northwesterly along Interstate 95 to Emerson Street; Thence easterly and northeasterly along Emerson Street and the access road to the Hart Expressway and Bridge; Thence southeasterly along the Hart Expressway to Little Pottsburg Creek; Thence northeasterly, northerly and northwesterly along Little Pottsburg Creek and a northwesterly projection of same to the channel of the St. Johns River, passing south of Exchange Island; Thence northerly along said channel to the point of beginning.

COUNCIL DISTRICT 4

Beginning at the intersection of the channel of the St. Johns River and a projection of City Branch; Thence easterly with said projection and said City Branch to the intersection of a projection of said branch with Morvenwood Road; Thence easterly along Morvenwood Road to Gadsden Road; Thence northerly along Gadsden Road to Greenridge Road; Thence easterly along Greenridge Road to Hendricks Avenue (State Route 13); Thence northerly along Hendricks Avenue

to Emerson Street; Thence easterly along Emerson Street to Interstate 95; Thence southeasterly along Interstate 95 to Belfort Road; Thence northeasterly along Belfort Road to Big Pottsburg Creek; Thence northerly and northeasterly along Big Pottsburg Creek to Beach Boulevard; Thence easterly along Beach Boulevard to San Pablo Road; Thence southerly along San Pablo Road and the Duval-St. Johns Counties' line to a corner point on the county line; Thence westerly

along the south boundary line of Duval County to a corner point on said county line; Thence northerly along said county line to Durbin Creek, to a corner point of the county line; Thence westerly along Durbin Creek and Julington Creek

(same as the county line) to the mouth of Julington Creek; Thence west on said county line to the channel of the St. Johns River; Thence northeasterly and northwesterly along the channel of the St. Johns River to the point of beginning.

COUNCIL DISTRICT 5

Beginning at the intersection of the Seaboard Coastline Railroad and King Street; Thence northeasterly along the Seaboard Coastline Railroad to the expressway (Interstate 10 and Interstate 95); Thence northeasterly along the expressway to McCoy's Creek; Thence easterly along McCoy's Creek to a northwesterly projection of McCoy Street; Thence southeasterly along said projection and McCoy Street to Riverside Avenue; Thence northeasterly along Riverside to Broad Street; Thence northerly along Broad Street to Bay Street; Thence westerly along Bay Street to Jefferson Street; Thence northerly along Jefferson Street to Church Street; Thence easterly along Church Street to Pearl Street; Thence northerly along Pearl Street to Hogan's Creek; Thence southeasterly along Hogan's Creek to First Street; Thence easterly along First Street and a projection thereof to the Seaboard Coastline Railroad; Thence northerly along the Seaboard Coastline Railroad to Third Street; Thence easterly along Third Street to Haines Street Expressway (US 1A); Thence southerly along the Haines Street Expressway to Marshall Street;

Thence easterly along Marshall Street and extension thereof to the channel of the St. Johns River; Thence southerly along the channel of the St. Johns River to a northwesterly projection of Little Pottsburg Creek passing south of Exchange Island; Thence southeasterly, southerly, and southwesterly along said projection and Little Pottsburg Creek to the Hart Expressway; Thence northwesterly along the Hart Expressway to the access road to Emerson Street; Thence southwesterly and westerly along the access road and Emerson Street to Hendricks Avenue (State Route 13); Thence southerly along Hendricks Avenue to Greenridge Road; Thence westerly along Greenridge Road to Gadsden Road; Thence southerly along Gadsden Road to Morvenwood Road; Thence westerly along Morvenwood Road to a projection of City Branch; Thence westerly along said projection and City Branch to the channel of the St. Johns River; Thence southwesterly along the channel of the St. Johns River to a projection of King Street; Thence northwesterly and northerly along said projection and King Street to the point of beginning.

COUNCIL DISTRICT 6

Beginning at the intersection of a projection of Pearl Street in the center of the Trout River; Thence easterly along the center of the Trout River to the channel of the St. Johns River; Thence southerly along the channel of the St. Johns River to a projection of Marshall Street; Thence westerly on said projection and Marshall Street to the Haines Street Expressway (US 1A); Thence northerly on the Haines Street Expressway to Third Street; Thence westerly along Third Street to the Seaboard Coastline Railroad; Thence southerly along the Seaboard Coastline Railroad

to a projection of First Street; Thence westerly along said projection and First Street to Hogan's Creek; Thence northerly along Hogan's Creek to Eighth Street; Thence easterly along Eighth Street to Boulevard; Thence northerly along Boulevard to the 20th Street Expressway (US 1); Thence westerly along the 20th Street Expressway to Interstate 95; Thence northerly along Interstate 95 to Golfair Boulevard; Thence easterly along Golfair Boulevard to Pearl Street; Thence northerly along Pearl Street and a projection thereof to the point of beginning.

COUNCIL DISTRICT 7

Beginning at the intersection of Melson Avenue and the Seaboard Coastline Railroad; Thence northeasterly along the Seaboard Coastline Railroad to Alameda Street; Thence southerly along Alameda Street to the 20th Street Expressway (US 1); Thence easterly along the 20th Street Expressway to Boulevard; Thence southerly along Boulevard to Eighth Street; Thence westerly along Eighth Street to Hogan's Creek; Thence southerly along Hogan's Creek to Pearl Street; Thence southerly along Pearl Street to Beaver Street; Thence westerly along Beaver Street to

the Expressway (Interstate 95); Thence northerly along the expressway to Kings Road; Thence northwesterly along Kings Road to Ninth Street; Thence westerly along Ninth Street to Division Street; Thence southerly along Division Street and a projection thereof and Division Street to Third Street; Thence westerly along Third Street to McDuff Avenue; Thence southerly along McDuff Avenue to Commonwealth Avenue; Thence westerly along Commonwealth Avenue to Melson Avenue; Thence northerly along Melson Avenue to the point of beginning.

COUNCIL DISTRICT 8

Beginning at the intersection of Garden Street Road south and Garden Street Road; Thence northerly and easterly on Garden Street Road to Kings Road; Thence easterly on Trout River Boulevard to Sibbald Road; Thence southerly along Sibbald Road to Soutel Drive; Thence southwesterly along Soutel Drive to Moncrief Road; Thence southeasterly along Moncrief Road to the Seaboard Coastline Railroad; Thence northeasterly along the Seaboard Coastline Railroad to the ex-

pressway (Interstate 95); Thence southerly along the expressway to the 20th Street Expressway (US 1); Thence westerly along the 20th Street Expressway to Alameda Street; Thence northerly along Alameda Street to the Seaboard Coastline Railroad; Thence southwesterly along the Seaboard Coastline Railroad to Imeson Road; Thence northerly along Imeson Road to Garden Street Road south; Thence westerly along Garden Street Road south to the point of beginning.

COUNCIL DISTRICT 9

Beginning at the intersection of Nine Mile Creek and Trout River Boulevard; Thence northerly along Nine Mile Creek to the center of the Trout River; Thence easterly and southeasterly along the Trout River to a projection of Pearl Street; Thence southerly along said projection and Pearl Street to Golfair Boulevard; Thence northwesterly along Golfair Boulevard to the expressway (Interstate 95); Thence northerly

along the expressway to the Seaboard Coastline Railroad; Thence southwesterly along the Seaboard Coastline Railroad to Moncrief Road; Thence northwesterly along Moncrief Road to Soutel Drive; Thence northeasterly along Soutel Drive to Sibbald Road; Thence northerly along Sibbald Road to Trout River Boulevard; Thence westerly along Trout River Boulevard to the point of beginning.

COUNCIL DISTRICT 10

Beginning at the intersection of Otis Road (State Route 119) and the Duval-Nassau Counties' line; Thence northeasterly, easterly, northeasterly, southerly, and southeasterly along said counties' line and a projection thereof to the Duval County line in the Atlantic Ocean; Thence southerly along said county line to a projection of the south fence line of the U. S. Naval Station, Mayport; Thence westerly, southerly, and southwesterly along said fence line across Mayport Road; Thence southerly, southwesterly, and northwesterly along the fence line to State Road A1A; Thence northerly along State Road A1A to Chicopit Bay; Thence westerly with Chicopit Bay to the Intracoastal Waterway passing south of the unnamed island; Thence northerly along the Intracoastal Waterway to the channel of the St. Johns River; Thence westerly with the channel of the St. Johns River to the channel of Fulton Cut; Thence southwesterly with the channel of Fulton Cut to Back River; Thence southwest-erly and westerly and northwesterly with Back River to the channel of the St. Johns River; Thence southwesterly with the channel of the St. Johns River to a projection of the Trout

River; Thence northwesterly and westerly along said projection and Trout River to Nine Mile Creek; Thence southerly along Nine Mile Creek to Trout River Boulevard; Thence westerly along Trout River Boulevard to Kings Road; Thence westerly and southerly along Garden Street Road to Garden Street Road south; Thence easterly along Garden Street Road south to Imeson Road; Thence southerly along Imeson Road to the Seaboard Coastline Railroad; Thence easterly along the Seaboard Coastline Railroad to Pickettville Road; Thence southerly along Pickettville Road to Beaver Street; Thence westerly along Beaver Street to a projection of Interstate 295; Thence southerly along said projection and Interstate 295 to Interstate 10; Thence westerly along Interstate 10 to Cahoon Road; Thence northerly along Cahoon Road to the Seaboard Coastline Railroad; Thence westerly along the Seaboard Coastline Railroad to McGirts Creek; Thence northwesterly along McGirts Creek to the Seaboard Coastline Railroad; Thence westerly along the Seaboard Coastline Railroad to Otis Road; Thence northwesterly along Otis Road to the point of beginning.

COUNCIL DISTRICT 11

Beginning at the intersection of Pickettville Road and the Seaboard Coastline Railroad; Thence northeasterly along the Seaboard Coastline Railroad to Melson Avenue; Thence southerly along Melson Avenue to Commonwealth Avenue; Thence easterly along Commonwealth Avenue to McDuff Avenue; Thence northerly along McDuff Avenue to Third Street; Thence easterly along Third Street to Division Street;

Thence northerly along Division Street, a projection thereof and Division Street again to Ninth Street; Thence easterly along Ninth Street to Kings Road; Thence southeasterly along Kings Road to the expressway (Interstate 95); Thence southerly along the expressway to Beaver Street; Thence easterly along Beaver Street to Pearl Street; Thence southerly along Pearl Street to Church Street; Thence westerly along Church

Street to Jefferson Street; Thence southerly along Jefferson Street to Bay Street; Thence easterly along Bay Street to Broad Street; Thence southerly along Broad Street to Riverside Avenue; Thence southerly along Riverside Avenue to McCoy Street; Thence northwesterly along McCoy Street and a projection thereof to McCoy's Creek; Thence westerly along McCoy's Creek to the expressway (Interstate 10 and Interstate 95); Thence southerly along the expressway to Interstate 10; Thence westerly along Interstate 10 to

Lane Avenue; Thence southerly along Lane Avenue to Normandy Boulevard; Thence southwest-erly along Normandy Boulevard to Cahoon Road; Thence northerly along Cahoon Road to Interstate 10; Thence easterly along Interstate 10 to Interstate 295; Thence northerly along Interstate 295 and a projection thereof to Beaver Street; Thence easterly along Beaver Street to Pickett-ville Road; Thence northerly along Pickettville Road to the point of beginning.

COUNCIL DISTRICT 12

Beginning at the intersection of Interstate 295 and Normandy Boulevard; Thence northeasterly along Normandy Boulevard to Lane Avenue; Thence northerly along Lane Avenue to Interstate 10; Thence easterly along Interstate 10 to Nelson Street; Thence southerly and southeasterly along Nelson Street to the Seaboard Coastline Railroad; Thence southwest-erly and south-erly along the Seaboard Coastline Railroad to Park Street; Thence westerly along Park Street to Cassat Avenue; Thence southerly along Cas-

sat Avenue to San Juan Avenue; Thence westerly along San Juan Avenue to the Cedar River; Thence southeasterly along the Cedar River to a projection of Butcher Pen Creek; Thence south-westerly along said projection and Butcher Pen Creek to Blanding Boulevard; Thence southerly along Blanding Boulevard to 103rd Street; Thence westerly along 103rd Street to Interstate 295; Thence northerly along Interstate 295 to the point of beginning.

COUNCIL DISTRICT 13

Beginning at the intersection of Interstate 10 and Nelson Street; Thence easterly along Interstate 10 to the Seaboard Coastline Railroad; Thence southwest-erly along the Seaboard Coastline Railroad to King Street; Thence southerly and southeasterly along King Street and a projection thereof to the channel of the St. Johns River; Thence southerly along the channel of the St. Johns River to the Duval County line; Thence westerly along said county line to Roosevelt Boulevard; Thence northerly along Roosevelt Boulevard to an easterly projection of an unnamed creek; Thence westerly along said projection and

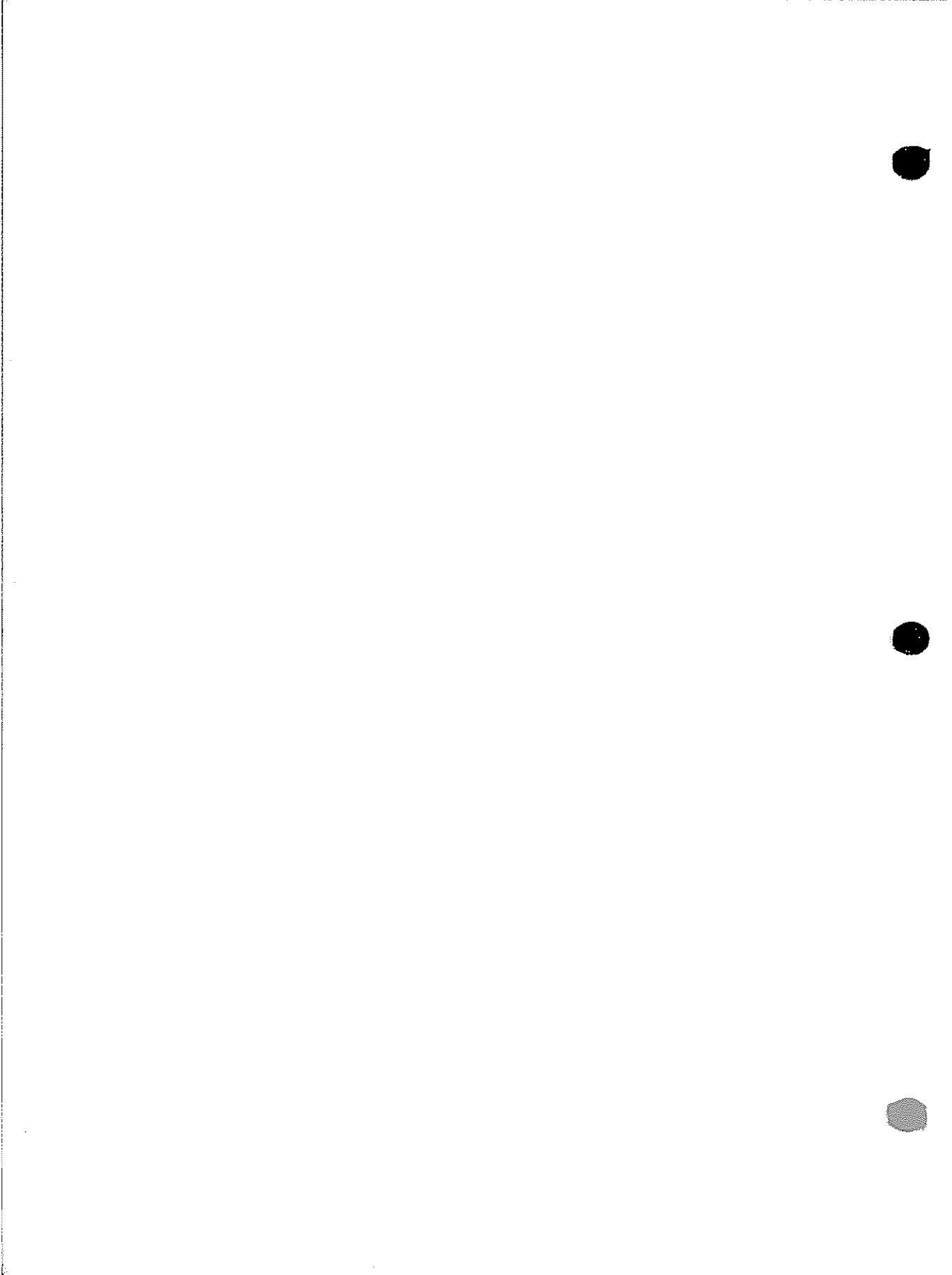
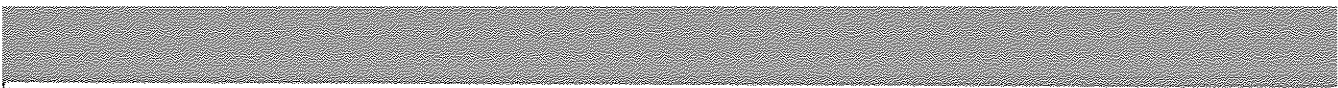
creek to the Ortega River; Thence northerly and northwest-erly along the Ortega River to the Cedar River; Thence northwest-erly along the Cedar River to San Juan Avenue; Thence easterly along San Juan Avenue to Cassat Avenue; Thence northerly along Cassat Avenue to Park Street; Thence easterly along Park Street to the Seaboard Coastline Railroad; Thence northerly and northeasterly along the Seaboard Coastline Railroad to Nelson Street; Thence northwest-erly and northerly along Nelson Street to the point of beginning.

COUNCIL DISTRICT 14

Beginning at the intersection of the Duval-Nassau Counties' line and Otis Road (State Route 119); Thence southeasterly along Otis Road to the Seaboard Coastline Railroad; Thence easterly along the Seaboard Coastline Railroad to McGirts Creek; Thence southerly along McGirts Creek to the Seaboard Coastline Railroad; Thence easterly along the Seaboard Coastline Railroad to Cahoon Road; Thence southerly along Cahoon Road to Normandy Boulevard; Thence northeasterly along Normandy Boulevard to Interstate 295; Thence southerly and southeasterly along Interstate 295 to 103rd Street; Thence easterly along 103rd Street to Blanding Boulevard; Thence northerly along Blanding Boulevard to Butcher Pen Creek; Thence northeasterly along Butcher

Pen Creek and a projection thereof to the Cedar River; Thence southeasterly along the Cedar River to the Ortega River; Thence southeasterly and southerly along the Ortega River to an unnamed creek; Thence easterly along said unnamed creek and a projection thereof to Roosevelt Boulevard; Thence southerly along Roosevelt Boulevard to the Duval County line; Thence west-erly along said county line to a corner point thereof; Thence northerly along said county line to another corner point thereof; Thence northeast-erly along said county line to the point of beginning.

History: Amended by Chapter 67-1647, Laws of Florida, and Order for Reapportionment of the Jacksonville Area Planning Board dated December 30, 1970.



THE DUVAL COUNTY BEACHES PUBLIC HOSPITAL BOARD

Section 1. Board and Membership. There is established a body politic and corporate to be known as the Duval County Beaches Public Hospital Board, an independent agency of the City of Jacksonville, with jurisdiction extending territorially throughout the limits of that part of Duval County, Florida, which lies South of the St. Johns River and East of the East Coast Canal, which territory is designated as the Duval County Beaches Public Hospital District.

The membership of the Hospital Board shall consist of seven members, none of whom are employees or members of the medical staff of the hospital, who shall be qualified resident voters of the Hospital District, two of whom shall be residents of the City of Jacksonville Beach two of whom shall be a resident of the City of Neptune Beach and two of whom shall be a resident of the City of Atlantic Beach and one of whom shall be a resident of the Hospital District at large.

The members of the Hospital Board in office on the effective date of this act shall continue to serve until the expiration of their terms as established at the time of their appointment. The two additional members shall be initially appointed by the Mayor, subject to confirmation by the Council for terms expiring on June 30, 1972. Thereafter, all members shall be appointed by the Mayor, subject to confirmation by the Council, for four (4) year terms expiring on June 30. As soon as this Act becomes a law, the Governor of the State of Florida shall appoint two qualified members of said Hospital Board.

The Mayor shall have the right to appoint qualified persons under this act to fill any vacancies that might occur in the Hospital Board and to remove any member of the Hospital Board for just cause. A member removed may appeal from such removal to the Circuit Court having jurisdiction.

Section 2. Compensation. The members of the Hospital Board shall receive no salary. This provision shall not apply to the Secretary and Treasurer.

Section 3. Meetings; Officers. The Hospital Board shall hold a public meeting at least once each month. The Hospital Board shall elect one of its members to serve as chairman, one to serve as vice-chairman, and one to serve as secretary and treasurer, and may appoint many other officers as it may deem necessary. The chairman shall enforce and carry out all the orders of the Hospital Board and shall countersign all vouchers and warrants issued by the secretary and treasurer, as herein provided. In the absence of the chairman of the Hospital Board, the vice-chairman shall act as chairman, including the countersigning of all vouchers and warrants issued. The secretary and treasurer shall give a bond, payable to the Hospital Board, in the amount to be designated by a majority vote of the Hospital Board, for the faithful performance of his duties, in some reputable bonding company authorized to do business in the State of Florida.

The Hospital Board is authorized to pay to the secretary and treasurer a salary and expenses commensurate with the work done and in keeping with salaries paid for like work by other businesses from time to time.

Section 4. Adoption of Seal. The Hospital Board is hereby declared to be a body corporate, and it shall adopt a common seal.

Section 5. Duties of Secretary and Treasurer. The duties of the Secretary and Treasurer of the Hospital Board shall be to keep full and correct minutes of all proceedings and matters of the Hospital Board, and to keep a separate account of all receipts and of all expenditures and disbursements by the Hospital Board.

Section 6. The Hospital Board shall make and adopt such by-laws, rules and regulations for its guidance and for the government of any hospitals that may be established as may be deemed expedient for the economic and equitable conduct and operation thereof, and shall have exclusive control of the expenditures of all monies collected or paid to the credit of the credit of the Hospital Board and shall have power to purchase a site or sites and to construct any hospital building or buildings necessary, and shall have full supervision, care and custody of all property belonging to the Hospital Board, or leased to it or set apart to it for its purposes.

Section 7. All monies and receipts for such hospital or hospitals shall be deposited in a bank designated by the Hospital Board, and placed to the credit of the "Duval County Beaches Public Hospital Board", and the monies shall be paid out only for materials, supplies, equipment, wages, salaries, or other items of expense which have been approved and ordered paid by the Hospital Board in regular session. When such items have been approved by the Hospital Board, and a voucher issued, a warrant may be drawn for the same.

Section 8. The Hospital Board shall have the power to appoint a suitable superintendent or matron, or both, and any necessary assistants, fix their compensation, and shall have the power to remove all such appointees; and shall in general carry out the spirit of this act in establishing and maintaining public hospitals in the Hospital District. A majority of the Hospital Board shall constitute a quorum for the transaction of the business of the Hospital Board. No bonds or evidence of indebtedness which are to be liens upon the property in the Hospital District shall be issued except upon the vote of the people as hereinafter provided, and no mortgage or other lien upon any property owned by the Hospital District shall be authorized hereunder which runs for a greater period than ten years or bears a rate of interest greater than 7½%. It shall be the duty of at least two members of the Hospital Board to visit any hospital

established by the Hospital Board two days each month and before the first day of July of each year hereafter the Hospital Board shall file with the Council a report of all proceedings with reference to such hospitals and a statement of all receipts and disbursements during the year.

No member of the Hospital Board shall have a personal pecuniary interest, either directly or indirectly, in the construction of any buildings, purchase of any lands or supplies for the hospital or hospitals, in the operation of the same, unless same are purchased by and upon a competitive bid basis. The Hospital Board shall have the right to own lands by purchase, gift or otherwise, for its use in carrying out the purposes of this act shall have the right to construct any and all buildings necessary for hospital needs of the Hospital District. The Hospital Board shall have the right and is hereby authorized to borrow money from any person, firm, association, corporation or governmental agency, necessary for the purposes of purchasing property, constructing buildings, equipping the hospital or hospitals and the maintenance of the hospital or hospitals from time to time as may be necessary in properly carrying out the spirit and purpose of this act, and as evidence thereof, make, execute and deliver promissory notes or other evidence of indebtedness, and to secure the payment of the same by mortgages, liens and other kinds of security, upon any property owned or held by the Hospital Board. The Hospital Board is further authorized and empowered to accept any and all gifts, loans or advances for the purchase of lands, the construction and maintenance of any hospital or hospitals established by the Hospital Board.

The Hospital Board is hereby authorized upon a petition of twenty-five per cent of the qualified electors residing in the Hospital District, requesting an election to present such petition to the Council for the purpose of calling an election in the Hospital District to determine whether or not bonds or certificates of indebtedness should be issued for the purpose of purchasing lands and for constructing and equipping hospital or hospitals established or sought to be established, and such election for the issuance of such bonds or other evidence of indebtedness shall be held, the canvass and return made in the manner provided for by general law from time to time for the issuance of bonds by counties or municipalities which are payable from ad valorem taxation. Chapter 14715, Laws of Florida, 1931, entitled: "An Act to Prescribe the Manner by which Elections may be Called and Held for the Approval of the Issuance of Bonds by Counties, Districts and Municipalities of the State of Florida, in compliance with Section Six, Article Nine, of the Constitution of the State of Florida, as amended at the general election, A.D. 1930, and to regulate the calling, holding. For payment of the bonds or other evidence of indebtedness, and the interest thereon, and to provide a sinking fund therefor, the entire taxable property of the Hospital District shall be pledged and such special tax shall be levied annually as provided in this act on all the taxable property within the Hospital District as may be necessary to pay the interest on the bonds or other evidence of indebtedness and to provide a sinking fund for the payment thereof. The total principal amount of bonds or other evidence of

indebtedness at any time outstanding shall not exceed \$250,000.00. No bonds or certificates of indebtedness issued hereunder shall bear interest at a greater rate than seven and one-half per cent. Bonds or certificates of indebtedness shall not be issued except in full compliance with the Constitution and Laws of the State of Florida relating to the issuance of bonds or certificates of indebtedness.

Section 9. If the Hospital Board and the owners of property desired by the Hospital Board for hospital purposes cannot agree as to the price to be paid therefor, the Hospital Board shall report that fact to the Council, and the City of Jacksonville is hereby empowered to bring condemnation proceedings in the name of the City against the property for the purpose of condemning the property for public hospital purposes, such condemnation suits to be brought by the General Counsel in the name of the City of Jacksonville, Florida.

Section 10. Any hospital established under this act shall be operated and maintained primarily as a health unit and emergency hospital for the benefit of the inhabitants of the Hospital District, and any person falling sick or being maimed or injured within its limits, but the Hospital Board may extend the privileges and use the hospital for persons residing outside of the Hospital District, upon such terms and conditions as the Hospital Board may from time to time by its rules and regulations prescribe. Every such person or inhabitant, who is not a pauper, shall pay the Hospital Board reasonable compensation for occupancy, nursing, care, medicines, and attendance according to the rules and regulations prescribed by the Hospital Board, the hospital always being subject to such rules and regulations as the Hospital Board may adopt from time to time in order to render the hospital the greatest benefit to the greatest number; and the Hospital Board may exclude from treatment and care any indigent or paying case having a communicable or contagious disease, where such disease may be a detriment to the best interests of the hospital or a source of contagion or infection to the patients in its care, unless a separate building or ward has been established for the special treatment and care of patients having a communicable or contagious disease, and it can properly and with safety to other patients maintain such communicable cases in such separate building or ward.

Section 11. When the hospital or hospitals are established, the physicians, nurses, attendants and patients therein, and all other persons coming within the limits of the same, and all furniture and other articles used or brought there shall be subject to such rules and regulations as the Hospital Board may prescribe.

Section 12. The Hospital Board shall organize a staff of physicians composed of regular practicing physicians in the Hospital District. Each physician so appointed to the staff shall hold his position on the staff as long as he complies with the rules and regulations promulgated by the Hospital Board. The Hospital Board shall select from the members of the staff of physicians a physician who shall be Chief of

the Staff and who shall have the direct supervision, care and treatment of all indigent sick or injured admitted to the hospital or hospitals. It shall be the duty of the staff to organize in the manner prescribed by the Hospital Board, so that there shall be a rotation of service among the members of the staff, who shall be subject to be called upon to assist in giving proper medical and surgical attention and services to the indigent sick or injured admitted to the hospital or hospitals for treatment. No member of the staff shall receive any compensation for attention and services rendered or provided to such indigent patients.

Section 13. The Hospital Board shall prepare and submit its budget to the Council of the City of Jacksonville on or before June 1 for the ensuing fiscal year. The Council and the Mayor shall approve or disapprove such budget in the manner provided in the Charter of the City of Jacksonville for budgets of independent agencies, subject to the following limitations:

The Council shall appropriate to the Hospital Board from the proceeds of an annual tax on all taxable real and personal property within the Duval County Beaches Public Hospital District an amount fixed by the Hospital Board and certified to the Council sufficient to provide for the payment of debt service requirements of ad valorem bonds issued by the Hospital Board as authorized and required by law.

Section 14. Except as the Council of the City of Jacksonville may provide, the Hospital Board shall utilize on a cost accounted basis the central services of the City of Jacksonville and shall pay therefor.

Section 15. The Hospital Board shall have the power and authority to determine whether or not patients presented to the public hospital for treatment are indigent and subjects of charity, and shall fix charges for occupancy, nursing, care, medicine and attendance, other than medical or surgical attendance, for those persons able to pay for the same as the Hospital Board may deem proper, and all receipts therefor shall be deposited to the credit of the Hospital Board.

Section 16. Any person, firm, organization, corporation or agency or society desiring to make donations of money or property of any kind for the benefit of any hospital erected or established under this act shall have the right to vest title to the money or property so donated in the Hospital Board, to be controlled when accepted by the Hospital Board according to the terms of the gifts pertaining to such property.

Section 17. The purposes for which any hospital established under the provisions of this act shall be used are hereby declared to be for public purposes.

Section 18. (1) The Hospital Board may authorize the issuance of a voucher transferring to a special payroll account up to the maximum amount which the Hospital Board estimates will be required during the current month and the following month for the payment of salaries or wages and taxes and retirement contributions in connection therewith; vouchers may be issued on the special payroll account in payment of such expenses without prior authorization by the Hospital Board, but all such vouchers shall be reviewed by the Board at its next meeting; and such vouchers issued on the special payroll account for such expenses shall be signed by any two of the following; Chairman, Vice-Chairman, Secretary-Treasurer, Hospital Administrator.

(2) In the absence of the Secretary-Treasurer of the Hospital Board, the Vice-Chairman shall act as Secretary-Treasurer, including the signing of all vouchers and warrants issued and countersigned by the Chairman.

(3) The Chairman, Vice-Chairman, Secretary-Treasurer and Hospital Administrator shall give a bond or bonds, payable to the Hospital Board, in an amount to be designated by a majority vote of the Hospital Board for the faithful performance of their duties, in some reputable bonding company authorized to do business in the State of Florida.

History: Added by Chapter 71-617, Laws of Florida, passed on Referendum; Repealed Chapter 25807, Acts of 1949, Laws of Florida.

Ed. Note: There are no pages numbered 73 through
74.

DUVAL COUNTY HOSPITAL AUTHORITY

Chapter 63-1305, Laws of Florida

Section 1. Creation and Establishment. There is hereby created and established a body corporate and politic to be known as the "Duval County Hospital Authority" of Duval County, Florida.

Section 2. Definitions. The following terms whenever used or referred to in this Act shall have the following meanings, except in those instances where the context clearly indicates otherwise:

(a) "Authority" shall mean the body politic and corporate created by this Act and known as the Duval County Hospital Authority of Duval County, Florida.

(b) "Bonds" shall mean and include the notes, bonds, revenue certificates, refunding bonds or other evidences of indebtedness or obligations in either temporary or definitive form, which the authority is authorized to issue pursuant to this Act.

(c) "County" shall mean the County of Duval, Florida.

(d) "Facility or facilities" shall mean the Duval Medical Center, other hospitals, clinics, out-patient departments and other appurtenant facilities of the Authority.

(e) "Federal agency" shall mean and include the United States, the president of the United States, and any department of, or corporation, agency or instrumentality heretofore or hereafter created, designated, or established by, the United States.

(f) "Members" shall mean the governing body of the Authority and the term "member" shall mean one of the individuals constituting such governing body.

(g) "Revenues" shall mean all rates, fees, rentals and other charges derived from the operation of the facilities of the Authority.

(h) "City" or "City of Jacksonville" shall mean the City of Jacksonville created pursuant to Section 9 of Article VIII of the Constitution of the State of Florida.

History: Section 2(h) was added by Ch. 67-1330, Laws of Fla.

Words importing singular number shall include the plural number in each case and vice versa and words importing persons shall include firms and corporations.

Section 3. Governing Body. The governing body of the Authority shall consist of seven (7) members who shall be appointed by the Mayor and confirmed by the Council of the City of Jacksonville. Members of the Authority shall be residents of Duval County and shall not hold any other public office. Two (2) members of the Authority shall be members of the Duval Medical Society. Upon the effective date of this Act, the Mayor shall appoint a member to replace the member of the Board of County Commissioners of Duval County, Florida, serving as a member of the Authority immediately prior to such date. The term of office of said appoint-

ee shall expire four (4) years from the date of appointment or upon appointment and qualification of his successor. Other appointments shall not be made by the Mayor until vacancies arise subsequent to the effective date of this act. The term of office of each appointed member shall be for four (4) years or until his successor has been appointed and qualified. A vacancy occurring during a term shall be filled only for the balance of the unexpired term.

The members of the Authority shall not be entitled to compensation as such, but shall be entitled to reimbursement for their actual and necessary expenses incurred in the performance of their official duties. Five (5) members of the Authority shall constitute a quorum and ordinances or resolutions enacted or adopted by a vote of a majority of the members shall become effective without publication or posting or any further action of the Authority.

History: Section 3 was amended by Ch. 67-1330, Laws of Fla.

Section 4. Officers. Immediately after the effective date of this Act, the members of the Authority shall meet and qualify by taking the oath of office regularly prescribed for state and county officials in Florida. They shall maintain a place within Duval County for the principal office of the Authority, where the members shall meet at least once each month for the transaction of business. The members shall annually elect from among their number a Chairman, one or more Vice Chairmen and a Secretary and a Treasurer, except that the offices of Secretary and Treasurer may be combined. Each member of the Authority shall give a bond by a reputable bonding company authorized to do business in the state of Florida, in an amount to be designated by a majority vote of the members, conditioned upon the faithful performance of his duties, which bond shall be kept by the Board of County Commissioners of Duval County. The premiums on said bonds shall be paid as part of the expense of the Authority.

Section 5. Duties of Secretary and Treasurer. It shall be the duty of the Secretary to keep full and correct minutes of all proceedings and meetings of the Authority, and it shall be the duty of the Treasurer to keep separate accounts of all receipts and disbursements of the Authority.

Section 6. Control of Expenditures. The members shall have exclusive control of all expenditures of and from the moneys, loan proceeds, contributions and Revenues of the Authority, except that persons who shall desire to make contributions for the benefit of any facility or facilities of the Authority shall have the right to attach conditions to their gifts, and the Authority, upon accepting any such contribution, shall be controlled by the terms of the gift, be-

quest or devise and may, in such cases, establish funds therefor separate and apart from items of general revenue, and except that any such contribution made to the authority without conditions attached thereto may be expended by the authority for such purposes as shall be deemed necessary and proper by the authority.

History: Amended by Ch. 67-1308, Laws of Fla.

Section 7. Purposes and Powers. The Authority is hereby granted the following rights and powers and shall have and may exercise all powers necessary or appurtenant, convenient or incidental to the carrying out of the powers enumerated in this Act:

(a) To sue and be sued, implead, complain and defend in all Courts.

(b) To adopt, use and alter at will, a corporate seal.

✓(c) To acquire, hold, construct, improve, maintain, operate, extend, repair, own and lease hospitals, clinics and other appurtenant facilities including without limiting all lands, buildings, structure, furniture, fixtures, machinery, equipment, books, records and all other real and personal property of any kind and nature whatsoever presently owned, controlled, maintained and operated or which was heretofore or may hereafter be acquired, constructed or improved by the Duval County Hospital Board of Duval County, Florida, pursuant to the authority granted to it by Chapter 9274, Laws of Florida, Acts of 1923, as amended.

History: Subsection (c) was amended by Ch. 67-1330, Laws of Fla.

(d) To acquire, purchase, hold, own, operate and lease and use any franchises, property, real, personal or mixed, tangible or intangible or any interest therein necessary or desirable for carrying out the purposes of the Authority and this Act and to sell, lease, transfer and dispose of any property or interest therein at any time acquired by it.

(e) Provide at one time or from time to time for the issuance of bonds, revenue certificates or other obligations of the Authority, as hereinafter provided.

(f) To enter into and make leases, either as Lessee or Lessor, for such period or periods of time and under such terms and conditions as the Authority shall determine. Such leases may be entered into for buildings, structures or facilities constructed or acquired or to be constructed or acquired by the Authority, or may be entered into for lands owned by the Authority where the lessee of said lands agrees as a consideration for said lease to construct or acquire buildings, structures, facilities, equipment, machinery, furniture, fixtures and any and all other real and personal property of any nature whatsoever constructed or acquired or to be constructed or acquired by the authority or by any other person, firm, corporation (profit or nonprofit), trust, foundation, partnership, estate or governmental agency, or may be entered into for lands owned by the authority where the lessee of said lands agrees as a consideration for

said lease to construct or acquire buildings, structures or facilities on said lands which will become the property of the authority under such terms, rentals and other conditions as the authority shall deem proper.

History: Amended by Ch. 67-1308, Laws of Fla.

(g) To acquire by purchase, lease or otherwise, and to construct, improve, maintain, enlarge, extend, repair and operate hospitals, clinics, out-patient departments, educational facilities of all types and other appurtenant facility or facilities related thereto.

(h) To fix, alter, charge, establish and collect rates, fees, rentals and other charges for the services of the facilities of the Authority or any part thereof, at reasonable and uniform rates to be determined exclusively by the Authority for the purposes of carrying out the provisions of this Act.

(i) To furnish temporary relief to the indigent of the County and study the causes of their poverty; to seek a plan for their permanent rehabilitation; generally, to assist them to support themselves whenever possible to the end that they may cease to be a charge upon the community and, instead, become useful citizens thereof; and to bury the indigent dead of the County and provide cemeteries for that purpose.

(j) To make contracts of every kind and nature and to execute all instruments necessary or convenient for the carrying on of its business.

(k) Without limitation of the foregoing, to borrow money and accept grants, contributions or loans from, and to enter into contracts, leases or other transactions with the United States government or any agency thereof, the State, or any agency thereof, the County of Duval, the City of Jacksonville, or with any other public body of any nature whatsoever.

(l) To have the power of eminent domain, such power to be exercised in the manner provided by law for the state of Florida, or agencies or instrumentalities thereof.

(m) To pledge, hypothecate or otherwise encumber all or any part of the Revenues of the Authority as security for all or any of the obligations issued by the Authority.

✓(n) To employ an executive director, physicians, surgeons, accountants, attorneys, bacteriologists, chemists, contractors, engineers, architects, superintendents, nurses, technicians, managers, construction and financial experts, radiologists, or any other person or persons skilled in hygiene or medical research, and such other employees and agents as may in the judgment of the Authority, be necessary, and fix their compensation.

(o) To provide for those of the inhabitants of the County who, by reason of age, infirmity or misfortune, have claims upon the aid and sympathy of society.

(p) To receive and accept grants, gifts and donations from any person, firm, trust, foundation, corporation (whether profit or non prof-

it), partnership, estate or governmental agency.

History: Amended by Ch. 67-1308, Laws of Fla.

(q) To do all acts and things necessary or convenient in the carrying out of the powers granted herein.

Section 8. Issuance of Obligations.

(a) On or after October 1, 1964, the Authority is hereby authorized to provide by Resolution at one time or from time to time for the issuance of bonds or revenue certificates, or both, (herein in this Section collectively referred to as "bonds"), of the Authority for the purpose of paying all or a part of the cost of acquisition, construction, repairing, extensions, additions, equipping and reconstruction of any facilities of the Authority. The bonds of each issue shall be dated, shall bear interest at such rate or rates not exceeding six per cent per annum, shall mature at such time or times, not exceeding forty years from their date or dates, as may be determined by the Authority, and may be made redeemable before maturity, at the option of the Authority, at such price or prices and under such terms and conditions as may be fixed by the Authority prior to the issuance of the bonds. The Authority shall determine the form of the bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds and coupons, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the state. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All bonds issued under the provisions of this Chapter shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments laws of the state. The bonds may be issued in coupon or in registered form, or both, as the Authority may determine, and provisions may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the re-conversion into coupon bonds of any bonds registered as to both principal and interest. The issuance of such bonds shall not be subject to any limitations or conditions contained in any other law, and the Authority may sell such bonds in such manner and for such price, as it may determine to be for the best interest of the Authority, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than six per cent per annum, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, excluding, however, from such computations the amount of any premium to be paid on redemption of any bonds prior to maturity.

Prior to the preparation of definitive bonds, the Authority may, under like restrictions, issue interim receipts or temporary bonds with or without coupons, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The Authority may also provide for the replacement of any bonds which shall be mutilated or be destroyed or lost.

(b) Bonds may be issued under the provisions of this Chapter without obtaining the consent of any commission, board, bureau or agency of the state or county and without any other proceedings or the happening of any other condition or things which are specifically required by this Chapter.

(c) The proceeds of the bonds shall be used solely for the payment of the cost of the facilities for which such bonds shall have been authorized and shall be disbursed in the manner provided in the Resolution or in the Trust Agreement authorizing the issuance of such bonds. If the proceeds of the bonds of any issue shall exceed the amount required for the purpose for which the same shall have been issued, the surplus shall be set aside and used only for paying the principal of and interest on such bonds. In the event that the actual cost of the project exceeds the estimated cost, the Authority may issue additional bonds to cover the deficiency, subject to the same restrictions as required for the original issue.

Section 9. Bonds. On or after October 1, 1964, bonds may be issued by the authority for the purposes herein provided in an amount, including any bonds then outstanding, not exceeding \$20,000,000, provided the issuance of such bonds shall have been approved by a majority of the votes cast in an election in which a majority of freeholders who are qualified electors residing in the county shall participate. Such election shall be called, noticed, conducted and the result thereof determined and declared in the manner required by law for the issuance of bonds of the county. For the prompt payment of the principal of and interest on such bonds, the authority is hereby authorized and required to provide for the annual levy of a special tax not to exceed $1\frac{1}{2}$ mills upon all taxable property within the county, over and above all other taxes authorized or limited by law, sufficient to pay such principal and interest as the same respectively become due and payable, and the proceeds of all such taxes shall be deposited as received to the credit of a sinking fund and used for no other purposes than for the payment of such principal and interest; provided, however, that the revenues derived from the operation of any facility or any combination of the facilities of the authority shall, if so authorized by the resolution providing for the issuance of such bonds, be deposited to the credit of the sinking fund for such bonds and in that event the amount of the annual levy herein required may be reduced in any year by the amount of such revenues actu-

ally received in the preceding (excluding any depreciation fund) and then remaining on deposit to the credit of the sinking fund for the payment of such principal and interest, provided that as pertains to any and all bonds issued by the authority subsequent to the effective date of this amendment to this act, the authority is authorized and required to provide for the annual levy of a special tax as provided herein and for the purposes and in the manner provided herein except that such special tax for the purpose of paying principal and interest on such bonds issued after the effective date of this amendment shall not exceed one-half ($\frac{1}{2}$) mill per annum upon all taxable property within the county.

History: Section 9 was amended by Ch. 65-1499, Laws of Fla.

Section 10. Revenue Certificates.

(a) Revenue certificates issued under the provisions of this Chapter shall be payable from the Revenues derived from the operation of any facility or combination of facilities under the supervision, operation and control of the Authority and from any other funds legally available therefor. The issuance of such revenue certificates shall not directly, indirectly or contingently obligate the State, the Authority or the County to levy any ad valorem taxes or to make any appropriations for their payment.

(b) The Authority shall not convey or mortgage any facility or any part thereof as security for the payment of the revenue certificates.

(c) In the discretion of the Authority, each or any issue of such revenue certificates may be secured by a trust agreement by and between the Authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or outside of the State. Such trust agreement may pledge or assign the Revenues to be received by the Authority. The resolution providing for the issuance of revenue certificates or such trust agreement may contain such provisions for protecting and enforcing the rights and remedies of the certificate holders as may be reasonable, proper and not in violation of law, including covenants setting forth the duties of the Authority in relation to the acquisition, construction, improvement, maintenance, operation, repair, equipping and insurance of the facilities, and the custody, safeguarding and application of all moneys. It shall be lawful for any bank or trust company incorporated under the laws of this State to act as such depository and to furnish such indemnifying bonds or to pledge such securities as may be required by the Authority. Such resolution or such trust agreement may restrict the individual right of action by certificate holders as is customary in trust agreements securing bonds or debentures of corporations. In addition to the foregoing, such resolution or such trust agreement may contain such other provisions as the Authority may deem reasonable and proper for the security of certificate holders. Except as in this Chapter

otherwise provided, the Authority may provide, by resolution or by trust agreement, for the payment of the proceeds of the sale of the revenue certificates and the Revenues of the facilities to such officer, board or depository as it may determine for the custody thereof, and for the method of disbursement thereof, with such safeguards and restrictions as it may determine. All expenses incurred in carrying out such trust agreement may be treated as a part of the cost of operation of the facilities affected by such trust agreement.

(d) The resolution or trust agreement providing for the issuance of the revenue certificates may also contain such limitations upon the issuance of additional revenue certificates as the Authority may deem proper, and such additional certificates shall be issued under such restrictions or limitations as may be prescribed by such resolution or trust agreement.

Section 11. Refunding Obligations. The Authority is hereby authorized to provide by resolution for the issuance of refunding bonds or refunding revenue certificates for the purpose of refunding any bonds or revenue certificates, respectively, then outstanding and issued under the provisions of this Chapter. The Authority is further authorized to provide by resolution for the issuance of revenue certificates for the combined purpose of (a) paying the cost of any acquisition, construction, extension, addition, improving, equipping or reconstruction of a facility or facilities of the Authority and (b) refunding revenue certificates of the Authority which shall theretofore have been issued under the provisions of this Chapter and shall then be outstanding. The issuance of such obligations, the maturities and other details thereof, the right and remedies of the holders thereof, the rights, powers, privileges, duties and obligations of the Authority with respect to the same shall be governed by the foregoing provisions of this Chapter insofar as the same may be applicable.

Section 12. Re-Registration of Freeholders. The Board of County Commissioners of Duval County, Florida shall, when presented with a resolution adopted by the Authority requesting a re-registration of the freeholder electors of such County, call such re-registration for the purpose of securing a new and up-to-date list of such freeholder electors in such County to participate in any election called for the purpose of approving the issuance of bonds under this Chapter. The cost of making the call and conducting the re-registration provided for by this section shall be borne by the Authority. Such re-registration shall be noticed and conducted in the manner required by the general laws of the State of Florida for the re-registration of county freeholder electors.

Section 13. Freeholder Election. The Board of County Commissioners of Duval County, Florida shall, when presented with a resolution adopted by the Authority requesting the hold-

ing of a freeholder election to approve the issuance of bonds under this Chapter, call, notice and conduct such freeholder election in the manner required by the Constitution and by the general laws of the State of Florida for the issuance of bonds by the County. The cost of holding and conducting such freeholder election shall be borne by the Authority.

Section 14. Remedies. Any holder of bonds, revenue certificates, or other obligations issued under the provisions of this Chapter or any of the coupons appertaining thereto, and the trustee under any trust agreement, except to the extent that the rights herein given may be restricted by such trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of Florida or granted hereunder or under such trust agreement or the resolution authorizing the issuance of such bonds, revenue certificates or other obligations, and may enforce and compel the performance of all duties required by this Chapter or by such trust agreement or resolution to be performed by the Authority or by any officer thereof.

Section 15. Tax Levies for Bond Debt Service. The Authority is authorized and required to provide for the levy annually of an ad valorem tax upon all taxable property within the county to pay the principal of and interest on any bonds issued by the Authority; provided that the rate thereof shall not exceed a maximum of $1\frac{1}{2}$ mills per annum, provided that as pertains to any and all bonds issued by the Authority subsequent to the effective date of this amendment to this act, the Authority is authorized and required to provide for the annual levy of a special tax as provided herein and for the purposes and in the manner provided herein except that such special tax for the purpose of paying principal and interest on such bonds issued after the effective date of this amendment shall not exceed one-half ($\frac{1}{2}$) mill per annum upon all taxable property within the county.

History: Section 15 was amended by Ch. 65-1499, Laws of Fla.

Section 16. The Authority shall prepare and submit its budget to the Council of the City of Jacksonville on or before June 1 for the ensuing fiscal year. The Council and the mayor shall approve or disapprove such budget in the manner provided in the charter of the city of Jacksonville for budgets of independent agencies, subject to the following:

(a) The Council shall appropriate to the Authority from the proceeds of an annual tax on all taxable property in the City of Jacksonville an amount fixed by the Authority and certified to the Council sufficient to meet the sinking fund requirements for the payment of the interest and principal on any bonds issued by the Authority as the same shall become due; provided, however, that the amount so appropriated shall not exceed an amount equal to the pro-

ceeds of a tax of one and one half ($1\frac{1}{2}$) mills on such taxable property for the payment of such bonds issued on or before October 1, 1965, and one half ($\frac{1}{2}$) mill on such taxable property for the payment of such bonds issued subsequent to October 1, 1965.

(b) The Code of Ethics embodied in Article 16 of the Charter of the City of Jacksonville shall apply to all officers and employees of the Authority.

History: Section 16 was amended by Ch. 65-1499 and Ch. 67-1330, Laws of Fla.

Section 17. This section was repealed by Ch. 67-1330, Laws of Fla.

Section 18. Exemption of Property from Taxation. The effectuation of the purposes of the Authority created under this Chapter is, shall and will be in all respects for the benefit of the people of the State and of Duval County, for the increase of their commerce and prosperity and for the improvement of their health, welfare and living conditions. The exercise of the powers by the Authority, conferred by this Chapter, to effect such purposes constitutes the performance of essential county functions, and is hereby declared to be a county purpose. As the facilities owned, operated, supervised and controlled by the Authority, under the provisions of this Chapter, constitute public property and are used for County purposes, the Authority shall not be required to pay any taxes or assessments upon any such facilities or any parts thereof.

Section 19. Obligations to Constitute Legal Investments. Any bonds, revenue certificates or other obligations issued pursuant to this Chapter shall be and constitute legal investments for banks, savings banks, trustees, executors, administrators and all other fiduciaries for all state, municipal and public funds and shall also be and constitute securities eligible for deposit as security for all state, municipal or other public funds notwithstanding the provisions of any other law or laws to the contrary.

Section 20. Transfer of Existing Facilities.

(a) Within six (6) months after the effective date of this law, all of the right, title and interest of the Duval County Hospital Board in and to the existing hospital facilities situated in Jacksonville, Florida and known as the Duval Medical Center, including all land, buildings, structures, furniture, fixtures, machinery, equipment, books, records and all other real and personal property of any kind and nature whatsoever, and all powers, jurisdiction and control over or relating thereto, heretofore vested in the Duval County Hospital Board by reason of Chapter 9274, Laws of 1923, as amended, shall, upon request of the Authority, be transferred, set over, assigned and conveyed to said Authority and the said Duval County Hospital Board shall thereupon transmit to the proper officers of the Authority all deeds, conveyances, documents, books and records relating to said Duval County Hospital Board and shall execute all

necessary documents and papers to carry out and consummate the conveyance and transfer of said property to said Authority. There shall be included in the transfer of such assets, without any action being required by any governmental body or person, all monies or funds appropriated by the Legislature of the State of Florida for the years 1963 and 1964 for (1) constructing, expanding, renovating, repairing and improving the existing hospital units, out-patient clinics, nurses' homes and schools and indigent relief departments of The Duval County Hospital Board and (2) the maintenance, operation, equipping and administration of the facilities of The Duval County Hospital Board; provided, however, that the sums of money appropriated for the year 1964 for the maintenance and operation of such facilities shall be null and void and of no force and effect in the event that the Authority becomes operative and exercises the powers granted to it under Section 16 and 17 hereof; and provided, further, that the moneys appropriated for constructing, expanding and renovating such existing facilities shall be reduced for the year 1964 by the amount required for debt service for such year in the event that the Authority exercises its right to and does issue obligations hereunder, to the end that the aggregate amount required for debt service and for such construction, expansion and renovation for such year shall not exceed 1½ mills.

(b) This Section, without reference to any other laws, shall be deemed to be and shall constitute complete authority for the transfer, assignment, and conveyance herein authorized. Any provisions of other laws to the contrary notwithstanding and no proceedings or other actions shall be required, except as herein prescribed.

Section 21. Use of Facilities. Every hospital, out-patient clinic or other facility heretofore established by act of Legislature in Duval County, Florida (with the exception of the hospital established for the Jacksonville Beaches by Chapter 25807, Laws of Florida, Special Acts of 1949) and every hospital, out-patient clinic or other facility established by the Authority subsequent to the effective date of this Act shall be for the use and benefit of the sick, infirm and injured persons and shall be under the exclusive jurisdiction of the Authority. The indigent sick, who have resided in Duval County for not less than one (1) year next preceding their application for admission for treatment, shall be admitted to such hospitals, out-patient clinics or other facilities and shall be entitled to occupancy, nursing care, medicine and attendance without charge, subject to the rules and regulations prescribed by the Authority. Such hospitals, out-patient clinics and other facilities shall care for and treat without charge patients who are found by the Authority to be indigent, but the Authority shall collect from patients financially able such charges as the Authority may from time to time establish.

The Authority shall have the power to extend the benefits and privileges to non-residents of Duval County upon such terms and conditions as the Authority may from time to time by its rules and regulations provide; provided, however, that the indigent residents of Duval County shall have the first claim to admission.

Nothing herein contained shall prohibit the authority from admitting, treating or receiving compensation from private patients.

History: Amended by Ch. 67-1308, Laws of Fla.

Section 22. Rights of Employees. When the facilities of the Duval County Hospital Board are transferred and conveyed to the Authority under the provisions of this Act, all employees of the Duval County Hospital Board shall become and be employees of the Authority; provided, however, none of said employees shall lose any rights or benefits of any kind whatsoever afforded them as such employees of the Duval County Hospital Board, by the laws relating to pension funds, civil service, statutory service raises and seniority, and such rights and benefits are hereby preserved to said employees, and all of such laws shall be applicable to all the employees of the Authority except those who are employed in the unclassified service as defined in the Duval County Civil Service law. The Authority shall not change the classification plan for said employees established under the civil service law, nor abolish the position of any such employee, nor reduce the salary of any such employee, nor suspend, dismiss, demote or promote any such employee except in accordance with the civil service law and with the approval of the civil service board in actions and proceedings wherein the Authority shall act as the appointing authority.

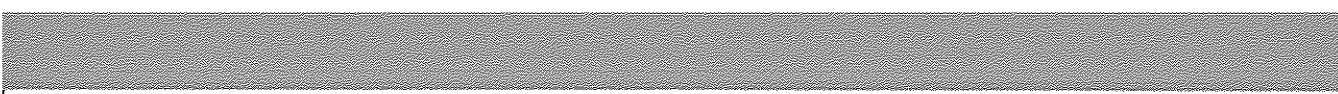
Section 23. Act Complete and Additional Authority. The powers conferred by this Act shall be in addition and supplemental to the existing powers of the Authority, if any, and this Chapter shall not be construed as repealing any of the provisions of any other law, general, special or local, but shall be deemed to supersede such other law or laws in the exercise of the powers provided in this Act insofar as such other law or laws are inconsistent with the provisions of this Act and to provide a complete method for the exercise of the powers granted herein.

Section 24. Separability. If any section, clause or provision of this Act shall be held unconstitutional or ineffective in whole or in part, to the extent that it is not unconstitutional or ineffective it shall be valid and effective, and no other section, clause or provision shall on account thereof be deemed invalid or ineffective.

Section 25. Effective Date. This Act shall take effect upon its becoming a law.

History: Became a law without the Governor's approval, and filed in Office Secretary of State July 10, 1963.

Ed. Note: There are no pages numbered 82 through 102.



HOUSING AUTHORITIES LAW

Chapter 421, Florida Statutes

History: Jacksonville's Housing Authority powers are derived from Chapter 421, Fla. Statutes, and from Chapter 70-744, Laws of Fla., which ended the independence of the authority, abolished the commissioners, and transferred housing authority powers to the direct control of the City of Jacksonville.

The following selected sections of Chapter 421, Florida Statutes, do not include those sections of Chapter 421 which relate only to county housing authorities or regional housing authorities. The sections are therefore not numbered consecutively.

Editor

Section 421.01 Short Title. This chapter may be referred to as the "Housing Authorities Law."

History: Ch. 17981, Laws of Fla., 1937.

Section 421.02 Finding and Declaration of Necessity. It is hereby declared that:

(1) There exist in the state insanitary or unsafe dwelling accommodations and that persons of low income are forced to reside in such insanitary or unsafe accommodations; that within the state there is a shortage of safe or sanitary dwelling accommodations available at rents which persons of low income can afford and that such persons are forced to occupy overcrowded and congested dwelling accommodations; that the aforesaid conditions cause an increase in and spread of disease and crime and constitute a menace to the health, safety, morals and welfare of the residents of the state and impair economic values; that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health, welfare and safety, fire and accident protection, and other public services and facilities;

(2) Slum areas in the state cannot be cleared, nor can the shortage of safe and sanitary dwellings for persons of low income be relieved, through the operation of private enterprise, and that the construction of housing projects for persons of low income (as herein defined) would therefore not be competitive with private enterprise;

(3) The clearance, replanning and reconstruction of the areas in which insanitary or unsafe housing conditions exist and the providing of safe and sanitary dwelling accommodations for persons of low income (including the acquisition by a housing authority of property to be used for or in connection with housing projects or appurtenant thereto) are exclusively public uses and purposes for which public money may be spent and private property acquired and are governmental functions of public concern;

(4) The necessity in the public interest for the provisions hereinafter enacted, is hereby

declared as a matter of legislative determination.

History: Ch. 17981, Laws of Fla., 1937.

Section 421.03 Definitions. The following terms, wherever used or referred to in this chapter, shall have the following respective meanings for the purposes of this chapter, unless a different meaning clearly appears from the context:

(1) "Authority" or "housing authority" shall mean any of the public corporations created by Section 421.04.

(2) "City" shall mean any city or town of the state having a population of more than two thousand five hundred (according to the last preceding federal or state census). "The city" shall mean the particular city for which a particular housing authority is created.

(3) "Governing body" shall mean the city council, the commission, or other legislative body charged with governing the city (as the case may be).

(4) "Mayor" shall mean the mayor of the city or the officer thereof charged with the duties customarily imposed on the mayor or executive head of the city.

(5) "Clerk" shall mean the clerk of the city or the officer of the city charged with the duties customarily imposed on the clerk thereof.

(6) "Area of operation":

(a) In the case of a housing authority of a city having a population of less than twenty-five thousand, shall include such city and the area within five miles of the territorial boundaries thereof; and

(b) In the case of a housing authority of a city having a population of twenty-five thousand or more shall include such city and the area within ten miles from the territorial boundaries thereof; provided however, that the area of operation of a housing authority of any city shall not include any area which lies within the territorial boundaries of some other city as herein defined; and further provided that the area of operation shall not extend outside of the boundaries of the county in which the city is located and no housing authority shall have any power or jurisdiction outside of the county in which the city is located.

(7) "Federal government" shall include the United States, the Federal Emergency Administration of Public Works or any other agency or instrumentality, corporate or otherwise, of the United States.

(8) "Slum" shall mean any area where dwellings predominate which, by reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to safety, health and morals.

(9) "Housing project" shall mean any work or undertaking:

(a) To demolish, clear or remove buildings from any slum area; such work or undertaking may embrace the adaption of such area to public purposes, including parks or other recreational or community purposes; or

(b) To provide decent, safe and sanitary urban or rural dwellings, apartments or other living accommodations for persons of low income; such work or undertaking may include buildings, land, equipment, facilities and other real or personal property for necessary, convenient or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, educational, welfare or other purposes; or

(c) To accomplish a combination of the foregoing. The term "housing project" also may be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other work in connection therewith.

(10) "Persons of low income" shall mean persons or families who lack the amount of income which is necessary (as determined by the authority undertaking the housing project) to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding.

(11) "Debentures" shall mean any notes, interim certificates, debentures, revenue certificates, or other obligations issued by an authority pursuant to this chapter.

(12) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.

(13) "Obligee of the authority" or "obligee" shall include any holder of debentures, trustee or trustees for any such holders, or lessor commencing to the authority property used in connection with a housing project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the authority.

History: Ch. 17981, Laws of Fla., 1937; Ch. 20219, Laws of Fla., 1941; Ch. 28061, Laws of Fla., 1953; Ch. 57-1, Laws of Fla.; Ch. 67-566, Laws of Fla.

Section 421.04 Creation of Housing Authorities.

(1) In each city (as herein defined) there is hereby created a public body corporate and politic to be known as the "Housing Authority" of the city; provided, however, that such authority shall not transact any business or exercise its powers hereunder until or unless the governing body of the city by proper resolution shall declare that there is need for an authority to function in such city. The determination as to whether there is such need for an authority to function:

(a) May be made by the governing body on its own motion; or

(b) Shall be made by the governing body upon the filing of a petition signed by twenty-five residents of the city asserting that there is need for an authority to function in such city and requesting that the governing body so declare.

(2) The governing body may adopt a resolution declaring that there is need for a housing authority in the city if it shall find that:

(a) Insanitary or unsafe inhabited dwelling accommodations exist in such city; or

(b) There is a shortage of safe or sanitary dwelling accommodations in such city available to persons of low income at rentals they can afford. In determining whether dwelling accommodations are unsafe or insanitary said governing body may take into consideration the degree of overcrowding, the percentage of land coverage, the light, air, space and access available to the inhabitants of such dwelling accommodations, the size and arrangement of the rooms, the sanitary facilities, and the extent to which conditions exist in such buildings which endanger life or property by fire or other causes.

(3) In any suit, action or proceeding involving the validity or enforcement of or relating to any contract of the authority, the authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers hereunder upon proof of the adoption of a resolution by the governing body declaring the need for the authority. Such resolution or resolutions shall be sufficient if it declares that there is such need for an authority and finds in substantially the foregoing terms (no further detail being necessary) that either or both of the above enumerated conditions exist in the city. A copy of such resolution duly certified by the clerk shall be admissible in evidence in any suit, action or proceeding.

History: Ch. 17981, Laws of Fla., 1937.

Ed. Note: The implementing resolution of the City Commission of the former City of Jacksonville to establish the housing authority was adopted on June 9, 1937. Extension of the authority throughout Duval County was provided by the following special act for Jacksonville:

Jacksonville Amendment of 1939

The area of operation of the housing authority of the City of Jacksonville, Florida, be and the same is hereby extended to include the whole of Duval County, Florida; provided, however, that said area of operation of said housing authority of the City of Jacksonville, Florida, shall not include any area which lies within the territorial boundaries of any municipality in said Duval County other than the City of Jacksonville, Florida, until and unless the City Council, the Commission or other legislative body charged with governing such municipality other than the City of Jacksonville, Florida, shall by duly enacted ordinance or resolution authorize such municipality to be included

within said area of operation of said housing authority of the City of Jacksonville, Florida.

History: This section was added by Ch. 19913, Laws of Fla., 1939.

Section 421.05 Appointment, Qualifications and Tenure of Commissioners.

(1) When the governing body of a city adopts a resolution as aforesaid, the mayor with the approval of the governing body shall promptly appoint five persons as commissioners of the authority created for said city. Three of the commissioners who are first appointed shall be designated to serve for terms of one, two and three years respectively; and the remaining two of such commissioners shall be designated to serve for terms of four years each, from the date of their appointment. Thereafter commissioners shall be appointed as aforesaid for a term of office of four years except that all vacancies shall be filled for the unexpired term. No commissioner of an authority may be an officer or employee of the city for which the authority is created. A commissioner shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. A commissioner shall receive no compensation for his services, but he shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties.

(2) The powers of each authority shall be vested in the commissioners thereof in office from time to time. Three commissioners shall constitute a quorum of the authority for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of a majority of the commissioners present, unless in any case the by-laws of the authority shall require a larger number. The mayor with the concurrence of the governing body shall designate which of the commissioners appointed shall be the first chairman, but when the office of the chairman of the authority thereafter becomes vacant, the authority shall select a chairman from among its commissioners. An authority shall select from among its commissioners a vice-chairman, and it may employ a secretary (who shall be executive director), technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. For such legal services as it may require an authority may call upon the chief law officer of the city or may employ its own counsel and legal staff. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

History: Ch. 17981, Laws of Fla., 1937; Ch. 59-413, Laws of Fla.

Section 421.06 Interested Commissioners or Employees. No commissioner or employee of an

authority shall acquire any interest, direct or indirect, in any housing project or in any property included or planned to be included in any project, nor shall he have any interest, direct or indirect in any contract or proposed contract for materials or services to be furnished or used in connection with any housing project. If any commissioner or employee of an authority owns or controls an interest, direct or indirect, in any property included or planned to be included in any housing project, he shall immediately disclose the same in writing to the authority and such disclosure shall be entered upon the minutes of the authority. Failure so to disclose such interest shall constitute misconduct in office.

History: Ch. 17981, Laws of Fla., 1937.

Section 421.07 Removal of Commissioners.

For inefficiency or neglect of duty or misconduct in office, a commissioner of an authority may be removed by the mayor with the concurrence of the governing body, but a commissioner shall be removed only after he shall have been given a copy of the charges at least ten days prior to the hearing thereon and had an opportunity to be heard in person or by counsel. In the event of the removal of any commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the clerk.

History: Ch. 17981, Laws of Fla., 1937; Ch. 59-413, Laws of Fla.

Section 421.08 Powers of Authority.

An authority shall constitute a public body corporate and politic, exercising the public and essential governmental functions set forth in this chapter, and having all the powers necessary or convenient to carry out and effectuate the purpose and provisions of this chapter, including the following powers in addition to others herein granted:

(1) To sue and be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority; and to make and from time to time amend and repeal by-laws, rules and regulations, not inconsistent with this chapter, to carry into effect the powers and purposes of the authority.

(2) Within its area of operation, to prepare, carry out, acquire, lease and operate housing projects; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof.

(3) To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works, or facilities for, or in connection with, a housing project or the occupants thereof; provided, however, that notwithstanding any other power or provision in this chapter, the authority shall not construct, lease, control, purchase or otherwise establish in connection with or as a part of any housing project or any other real or any other property under its control, any system, work, facilities,

plants or other equipment for the purpose of furnishing utility service of any kind to such projects or to any tenant or occupant thereof in the event that a system, work, facility, plant or other equipment for the furnishing of the same utility service is being actually operated by a municipality or private concern in the area of operation or the city or the territory immediately adjacent thereto; provided, further, that nothing herein shall be construed to prohibit the construction or acquisition by the authority of any system, work, facilities or other equipment for the sole and only purpose of receiving utility services from any such municipality or such private concern and then distributing such utility services to the project and to the tenants and occupants thereof; and (notwithstanding anything to the contrary contained in this chapter or in any other provision of law) to include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor, and comply with any conditions which the federal government may have attached to its financial aid of the project.

(4) To lease or rent any dwelling, houses, accommodations, lands, buildings, structures or facilities embraced in any housing project and (subject to the limitations contained in this chapter) to establish and revise the rents or charges therefor; to own, hold and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or otherwise any real or personal property or any interest therein; to acquire by the exercise of the power of eminent domain any real property; to sell, lease, exchange, transfer, assign, pledge or dispose of any real or personal property or any interest therein; to insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards; to procure or agree to the procurement of insurance or guarantees from the federal government of the payment of any such debts or parts thereof (whether or not incurred by said authority), including the power to pay premiums on any such insurance.

(5) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to purchase its debentures at a price not more than the principal amount thereof and accrued interest, all debentures so purchased to be canceled.

(6) Within its area of operation: to investigate into living, dwelling and housing conditions and into the means and methods of improving such conditions; to determine where slum areas exist or where there is a shortage of decent, safe and sanitary dwelling accommodations for persons of low income; to make studies and recommendations relating to the problem of clearing, replanning and reconstruction of

slum areas, and the problem of providing dwelling accommodations for persons of low income, and to cooperate with the city, the county, the state or any political subdivision thereof in action taken in connection with such problems; and to engage in research, studies and experimentation on the subject of housing.

(7) Acting through one or more commissioners or other person or persons designated by the authority; to conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of witnesses who are outside of the state or unable to attend before the authority or excused from attendance; to make available to appropriate agencies (including those charged with the duty of abating or requiring the correction of nuisances or like conditions, or of demolishing unsafe or insanitary structure within its area of operation) its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety or welfare.

(8) To exercise all or any part or combination of powers herein granted. No provisions of law with respect to acquisition, operation or disposition of property by other public bodies shall be applicable to an authority unless the legislature shall specifically so state.

History: Ch. 17981, Laws of Fla., 1937.

Section 421.09 Operation not for Profit. It is the policy of this state that each housing authority shall manage and operate its housing projects in an efficient manner so as to enable it to fix the rentals for dwelling accommodations at the lowest possible rates consistent with its providing decent, safe and sanitary dwelling accommodations, and that no housing authority shall construct or operate any such project for profit, or as a source of revenue to the city. To this end an authority shall fix the rentals for dwelling in its project at no higher rate than it shall find to be necessary in order to produce revenues which (together with all other available moneys, revenue, income and receipts of the authority from whatever sources derived) will be sufficient:

(1) To pay, as the same shall become due, the principal and interest on the debentures of the authority;

(2) To meet the cost of, and to provide for, maintaining and operating the projects (including the cost of any insurance) and the administrative expenses of the authority; and

(3) To create (during not less than the six years immediately succeeding its issuance of any debentures) a reserve sufficient to meet the largest principal and interest payments which will be due on such debentures in any one year thereafter, and to maintain such reserve.

History: Ch. 17981, Laws of Fla., 1937.

Section 421.091 Financial Accounting and Investments. A complete and full financial accounting and audit shall be made annually by a certified public accountant, and a copy of said report shall be filed with the governing body not less than ninety days after the close of each fiscal year. Provided, however, that it shall not be necessary to make a financial accounting and audit of federal funds furnished housing authorities by the federal government and which are audited annually by said federal government if a copy of such federal audit is furnished to the governing body.

History: Ch. 59-413, Laws of Fla.

Section 421.10 Rentals and Tenant Selection.

(1) In the operation or management of housing projects an authority shall at all times observe the following duties with respect to rentals and tenants selection:

(a) It may rent or lease the dwelling accommodations therein only to persons of low income and at rentals within the financial reach of such persons of low income;

(b) It may rent or lease to a tenant dwelling accommodations, consisting of the number of rooms (but no greater number) which it deems necessary to provide safe and sanitary accommodations to the proposed occupants thereof, without overcrowding; and

(c) It shall not accept any person as a tenant in any housing project if the person or persons who would occupy the dwelling accommodations have an annual net income in excess of five times an annual rental of the quarters to be furnished such person or persons, except that in case of families with three or more minor dependents, such ratio shall not exceed six to one; in computing the rental for this purpose of selecting tenants, there shall be included in the rental the average annual cost (as determined by the authority) to occupants of heat, water, electricity, gas, cooking range and other necessary services or facilities, whether or not the charge for such services and facilities is in fact included in the rental.

(2) Nothing contained in this section or Section 421.09, shall be construed as limiting the power of an authority to vest in an obligee the right, in the event of a default by the authority, to take possession of a housing project or cause the appointment of a receiver thereof, free from all the restrictions imposed by this or the preceding section.

(3) This section shall not apply to housing facilities financed by loans made for the purpose of providing such facilities for domestic farm labor pursuant to Section 514 of the federal housing act of 1949.

History: Ch. 17981, Laws of Fla., 1937; Ch. 19510, Laws of Fla., 1939; Ch. 22858, Laws of Fla., 1945; Ch. 65-223, Laws of Fla.

Section 421.101 False Representations to Obtain Lower Rent in Housing Accommodations; Penalty. Whoever makes a false statement or representation, knowing it to be false, or knowingly fails to disclose a material fact in order

to obtain a lower rent for housing accommodations in a low rent housing development operated pursuant to chapter 421, than the rental such person is required to pay pursuant to federal or state statutes, schedule of rents or rules and regulation as determined and fixed by housing authorities created pursuant to chapter 421, aforesaid, shall be punished by a fine of not less than \$50.00 nor more than \$500.00, or by imprisonment for not more than six months in the county jail, or both such fine and imprisonment; and each such false statement or representation or failure to disclose a material fact as aforesaid shall constitute a separate offense.

History: Ch. 61-468, Laws of Fla.

Section 421.11 Cooperation of Authorities.

Any two or more housing authorities may join or cooperate with one another in the exercise, either jointly or otherwise, of any or all of their powers for the purpose of financing (including the issuance of bonds, debentures, notes or other obligations and giving security therefor), planning, undertaking, owning, constructing, operating or contracting with respect to a housing project or projects located within the area of operation of any one or more of said authorities. For such purpose, an authority may by resolution prescribe and authorize any other housing authority or authorities, so joining or cooperating with it, to act on its behalf with respect to any or all such powers. Any authorities joining or cooperating with one another may by resolutions appoint from among the commissioners of such authorities an executive committee with full power to act on behalf of such authorities with respect to any or all of their powers, as prescribed by resolutions of such authorities.

History: Ch. 17981, Laws of Fla., 1937; Ch. 21699, Laws of Fla., 1943.

Section 421.12 Eminent Domain. An authority shall have the right to acquire by the exercise of the power of eminent domain any real property which it may deem necessary for its purposes under this chapter after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. An authority may exercise the power of eminent domain in the manner provided in chapters 73 and 74. Property already devoted to a public use may be acquired in like manner, provided that no real property belonging to the city, the county, the state or any political subdivision thereof may be acquired without its consent.

History: Ch. 17981, Laws of Fla., 1937.

Section 421.13 Planning, Zoning and Building Laws. All housing projects of an authority shall be subject to the planning, zoning, sanitary and building laws, ordinances and regulations applicable to the locality in which the housing project is situated. In the planning and location of any housing project, an authority shall take into consideration the relationship of the project to any larger plan or long-range pro-

gram for the development of the area in which the housing authority functions.

History: Ch. 17981, Laws of Fla., 1937.

Section 421.14 Debentures.

(1) An authority may issue debentures from time to time in its discretion, for any of its corporate purposes. An authority may also issue refunding debentures for the purpose of paying or retiring debentures previously issued by it. An authority may issue such types of debentures as it may determine, including debentures on which the principal and interest are payable:

(a) Exclusively from the income and revenues of the housing project financed with the proceeds of such debentures, or with such proceeds together with a grant from the federal government in aid of such project;

(b) Exclusively from the income and revenues of certain designated housing projects whether or not they were financed in whole or in part with the proceeds of such debentures; or

(c) From its revenues generally. Any of such debentures may be additionally secured by a pledge of any revenues of any housing project, projects or other property of the authority.

(2) Neither the commissioners of an authority nor any person executing the debentures shall be liable personally on the debentures by reason of the issuance thereof. The debentures and other obligations of an authority (and such debentures and obligations shall so state on their face) shall not be a debt of the city, the county, the state or any political subdivision thereof, and neither the city or the county, nor the state or any political subdivision thereof shall be liable thereon, nor in any event shall such debentures or obligations be payable out of any funds or properties other than those of said authority. The debentures shall not constitute an indebtedness within the meaning of any constitutional or statutory debt or bond limitation or restriction.

History: Ch. 17981, Laws of Fla., 1937.

Section 421.15 Form and Sales of Debentures.

(1) Debentures of an authority shall be authorized by its resolution and may be issued in one or more series and shall bear such dates, mature at such times, bear interest at such rates, not exceeding six per cent per annum, be in such denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such places and be subject to such terms of redemption (with or without premium) as such resolution or its trust indenture may provide.

(2) The debentures may be sold at not less than par at public sale held after notice published once at least five days prior to such sale in a newspaper having a general circulation in the city and in a financial newspaper published in the city of Chicago, Illinois, or in the city of New York, New York, provided, however, that

such debentures may be sold at not less than par to the federal government at private sale without any public advertisement.

(3) In case any of the commissioners or officers of the authority whose signatures appear on any debentures or coupons shall cease to be such commissioners or officers before the delivery of such debentures, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such commissioners or officers had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any debentures issued pursuant to this chapter shall be fully negotiable.

(4) In any suit, action or proceedings involving the validity or enforceability of any debenture of an authority or the security therefor, any such debenture reciting in substance that it has been issued by the authority to aid in financing a housing project to provide dwelling accommodations for persons of low income shall be conclusively deemed to have been issued for a housing project of such character and said project shall be conclusively deemed to have been planned, located and constructed in accordance with the purposes and provisions of this chapter.

History: Ch. 17981, Laws of Fla., 1937.

Section 421.16 Provisions of Debentures and Trust Indentures. In connection with the issuance of debentures or the incurring of obligations under leases and in order to secure the payment of such indentures or obligations, an authority, in addition to its other powers, shall have power:

(1) To pledge all or any part of its gross or net rents, gross or net fees or gross or net revenues to which its right then exists or may thereafter come into existence.

(2) To covenant against pledging all or any part of its rents, fees and revenues, or against mortgaging all or any part of its real or personal property, to which its right or title then exists or may thereafter come into existence or against permitting or suffering any lien on such revenues or property; to covenant with respect to limitations on its rights to sell, lease or to otherwise dispose of any housing project or any part thereof; and to covenant as to what other, or additional debts or obligations may be incurred by it.

(3) To covenant as to the debentures to be issued and as to the issuance of such debentures in escrow or otherwise, and as to the use and disposition of the proceeds thereof; to provide for the replacement of lost, destroyed or mutilated debentures; to covenant against extending the time for the payment of its debentures or interest thereon; and to redeem the debentures, and to covenant for their redemption and to provide the terms and conditions thereof.

(4) To covenant (subject to the limitations contained in this chapter) as to the rents and fees to be charged in the operation of a housing project or projects, the amount to be raised

each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof; to create or to authorize the creation of special funds for moneys held for construction or operating costs, debt service, reserves, or other purposes, and to covenant as to the use and disposition of the moneys held in such funds.

(5) To prescribe the procedure, if any, by which the terms of any contract with the holders of debentures may be amended or abrogated, the amount of debentures the holders of which must consent thereto, and the manner in which such consent may be given.

(6) To covenant as to the use of any or all of its real or personal property; and to covenant as to the maintenance of its real and personal property, the replacement thereof, the insurance to be carried thereon and the use and disposition of insurance moneys.

(7) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition, or obligation, and to covenant and prescribe as to events of default and terms and conditions upon which any or all of its debentures or obligations shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

(8) To vest in a trustee or trustees or the holders of debentures or any proportion of them the right to enforce the payment of the debentures or any covenants securing or relating to the debentures; to vest in a trustee or trustees the right, in the event of a default by said authority, to take possession and use, operate and manage any housing project or part thereof, and to collect the rents and revenues arising therefrom and to dispose of such moneys in accordance with the agreement of the authority with said trustee; to provide for the powers and duties of a trustee or trustees and to limit the liabilities thereof; and to provide the terms and conditions upon which the trustee or trustees or the holders of debentures or any proportion of them may enforce any covenant or rights securing or relating to the debentures.

(9) To exercise all or any part or combination of the powers herein granted.

History: Ch. 17981, Laws of Fla., 1937.

Section 421.17 Validation of Debentures and Proceedings.

(1) A housing authority shall have the right, if it deems it expedient, to determine its authority to issue any debentures, and the legality of all proceedings had or taken in connection therewith, in the same manner and to the same extent (except as otherwise provided in this section) as provided in chapter 75 for the determination by a county, municipality, taxing district, or other political district or subdivision of its authority to incur bonded debt or to issue certificates of indebtedness and of the legality

of all proceedings had or taken in connection therewith.

(2) The petition to validate such debentures, and the proceedings had or taken in connection therewith, shall be filed by the housing authority in the circuit court for the county in which is located the city for which said housing authority was created, except that whenever it appears that a housing authority is empowered to function in more than one county the circuit court of any county in the whole or any part of which the housing authority is empowered to function shall have jurisdiction of the cause in the same manner as provided in said chapter whenever a municipality, taxing district or other political district or subdivision shall extend into more than one county.

(3) The notice required by Section 75.06 shall be addressed to the taxpayers and citizens of the city for which such housing authority has been created and of the county (or counties, in the event such housing authority is empowered to function in more than one county) in the whole or any part of which the housing authority is empowered to function; and by the publication of such notice as required by said chapter 75 all taxpayers and citizens of such city and such county or counties, as the case may be, shall be considered as parties defendant to such proceedings, and the circuit court in which the proceeding is brought shall have jurisdiction of all of the same as if they were named defendants in the petition filed pursuant to said chapter and personally served with process.

(4) In the event no appeal is taken within the time prescribed by said chapter, or if taken, and the decree validating said debentures is affirmed by the supreme court, the decree of the circuit court validating and confirming the issuance of the debentures of the housing authority shall be forever conclusive as to the validity of said debentures against the housing authority and against all taxpayers and citizens of the city for which said housing authority was created and of the county or counties in the whole or part of which the housing authority is empowered to function; and the validity of said debentures shall never be called in question in any court in this state. Debentures of a housing authority, when issued under the provisions of said chapter, shall have stamped or written thereon by the proper officers of the housing authority issuing the same, the words: "Validated and confirmed by decree of the circuit court" (specifying the date when such decree was rendered and the court in which it was rendered), which shall be signed by the clerk of the circuit court in which the decree was rendered, which entry shall be original evidence of said decree in any court in this state.

History: Ch. 17981, Laws of Fla., 1937.

Section 421.18 Remedies of an Obligee of Authority. An obligee of an authority shall have the right in addition to all other rights which may be conferred on such obligee, subject only

to any contractual restrictions binding upon such obligee:

(1) By mandamus, suit, action or proceeding at law or in equity to compel said authority and the commissioners, officers, agents or employees thereof to perform each and every term, provision and covenant contained in any contract of said authority with or for the benefit of such obligee, and to require the carrying out of any or all such covenants and agreements of said authority and the fulfillment of all duties imposed upon said authority by this chapter.

(2) By suit, action or proceeding in equity, to enjoin any acts or things which may be unlawful, or the violation of any of the rights of such obligee of said authority.

History: Ch. 17981, Laws of Fla., 1937.

Section 421.19 Additional Remedies Conferable by Authority. An authority shall have power by its resolution, trust indenture, lease or other contract to confer upon any obligee holding or representing a specified amount in debentures, or holding a lease, the right (in addition to all rights that may otherwise be conferred), upon the happening of an event of default as defined in such resolution or instrument, by suit, action or proceeding in any court of competent jurisdiction:

(1) To cause possession of any housing project or any part thereof to be surrendered to any such obligee.

(2) To obtain the appointment of a receiver of any housing project of said authority or any part thereof and of the rents and profits therefrom. If such receiver be appointed, he may enter and take possession of such housing project or any part thereof and operate and maintain same, and collect and receive all fees, rents, revenues, or other charges thereafter arising therefrom, and shall keep such moneys in a separate account or accounts and apply the same in accordance with the obligation of said authority as the court shall direct.

(3) To require said authority and the commissioners thereof to account as if it and they were the trustees of an express trust.

History: Ch. 17981, Laws of Fla., 1937.

Section 421.20 Exemption of Property From Execution Sale.

(1) All real property of an authority shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall any judgment against an authority be a charge or lien upon its real property; provided, however, that the provisions of this section shall not apply to or limit the right of obligee to pursue any remedies for the enforcement of any pledge given by an authority on its rents, fees or revenues.

(2) This section shall not apply to housing facilities financed by loans made for the purpose of providing such facilities for domestic farm labor pursuant to Section 514 of the federal housing act of 1949.

History: Ch. 17981, Laws of Fla., 1937.

Section 421.21 Aid From Federal Government; Tax Exemptions.

(1) In addition to the powers conferred upon an authority by other provisions of this chapter, an authority is empowered to borrow money or accept grants or other financial assistance from the federal government for or in aid of any housing project within its area of operation, to take over or lease or manage any housing project or undertaking constructed or owned by the federal government, and to these ends, to comply with such conditions and enter into such trust indentures, leases or agreements as may be necessary, convenient or desirable. It is the purpose and intent of this chapter to authorize every authority to do any and all things necessary or desirable to secure the financial aid or cooperation of the federal government in the undertaking, construction, maintenance or operation of any housing project by such authority.

(2) In addition to the powers conferred upon an authority by subsection (1) and other provisions of this chapter, an authority is empowered to borrow money or accept grants or other financial assistance from the federal government under section 202 of the housing act of 1959 (P.L. 86-372, 86th congress) or any law or program of the housing and home finance agency, which provides for direct federal loans in the maximum amount, as defined therein, for the purpose of assisting certain nonprofit corporations to provide housing and related facilities for elderly families and elderly persons.

(a) Housing authorities created under this section are authorized to execute mortgages, notes, bills or other forms of indebtedness together with any agreements, contracts or other instruments required by the housing and home finance agency of the United States government in connection with loans made for the purposes set forth in subsection (2).

(b) This provision relating to housing facilities for the elderly is cumulative and in addition to the powers given to housing authorities under this chapter. All powers granted generally by law to housing authorities in Florida relating to issuance of trust indentures, debentures and other methods of raising capital shall apply also to housing authorities in connection with their participation in programs of the housing and home finance agency.

(3) It is the legislative intent that the tax exemption of housing authorities provided by chapter 423, shall specifically apply to any housing authority created under this section.

History: Ch. 17981, Laws of Fla., 1937; Ch. 61-197, Laws of Fla.

Section 421.22 Reports. At least once a year, an authority shall file with the clerk a report of its activities for the preceding year, and shall make recommendations with reference to such additional legislation or other action as it deems necessary in order to carry out the purposes of this chapter.

History: Ch. 17981, Laws of Fla., 1937.

Section 421.23 Liabilities of Authority. In no event shall the liabilities, whether ex contractu or ex delicto, of an authority arising from the operation of its housing projects, be payable from any funds other than the rents, fees or revenues of such projects and any grants or subsidies paid to such authority by the federal government.

History: Ch. 17981, Laws of Fla., 1937; Ch. 22858, Laws of Fla., 1945.

Section 421.24 Organization and Establishment. The establishment and organization of housing authorities in the state under the provisions of the housing authorities law of this state, together with all proceedings, acts and things heretofore undertaken, performed or done with reference thereto, are hereby validated, ratified, confirmed, approved and declared legal in all respects, notwithstanding any defect or irregularity therein or any want of statutory authority.

History: Ch. 19511, Laws of Fla., 1939.

Section 421.25 Contracts and Undertakings. All contracts, agreements, obligations, and undertakings of such housing authorities heretofore entered into relating to financing or aiding in the development, construction, maintenance or operation of any housing project or projects or to obtaining aid therefor from the United States Housing Authority, including (without limiting the generality of the foregoing) loan and annual contributions, contracts and leases with the United States Housing Authority, agreements with municipalities or other public bodies (including those which are pledged or authorized to be pledged for the protection of the holders of any notes or bonds issued by such housing authorities or which are otherwise made a part of the contract with such holders of notes or bonds) relating to cooperation and contributions in aid of housing projects, payments (if any) in lieu of taxes, furnishing of municipal services and facilities, and the elimination of unsafe and insanitary dwellings, and contracts for the construction of housing projects, together with all proceedings, acts and things heretofore undertaken, performed or done with reference thereto, are hereby validated, ratified, confirmed, approved and declared legal in all respects, notwithstanding any defect or irregularity therein or any want of statutory authority.

History: Ch. 19511, Laws of Fla., 1939.

Section 421.26. Notes and Bonds. All proceedings, acts and things heretofore undertaken, performed or done in or for the authorization, issuance, execution and delivery of notes and bonds by housing authorities for the purpose of financing or aiding in the development or construction of a housing project or projects, and all notes and bonds heretofore issued by housing authorities are hereby validated, ratified, confirmed, approved and declared legal in all respects, notwithstanding any defect or irreg-

ularity therein or any want of statutory authority.

History: Ch. 19511, Laws of Fla., 1939.

Ed. Note: Sections 421.27 through 421.36, Fla. Statutes, the "Rural Housing Authorities Law of Florida" have not been republished here because a rural housing authority has not been established for Duval County.

Section 421.37 Defense Housing; Finding and Declaration of Necessity. It is hereby found and declared that the national defense program involves large increases in the military forces and personnel of this state, a great increase in the number of workers in already established manufacturing centers and the bringing of a large number of workers and their families to new centers of defense industries in the state; that there is an acute shortage of safe and sanitary dwellings available to such persons and their families in this state which impedes the national defense program; that it is imperative that action be taken immediately to assure the availability of safe and sanitary dwellings for such persons to enable the rapid expansion of national defense activities in this state and to avoid a large labor turnover in defense industries which would seriously hamper their production; that the provisions hereinafter enacted are necessary to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities which otherwise would not be provided at this time; and that such provisions are for the public use and purpose of facilitating the national defense program in this state. It is further declared to be the purpose of this law to authorize housing authorities to do any and all things necessary or desirable to secure the financial aid of the federal government, or to cooperate with or act as agent of the federal government, in the expeditious development and the administration of projects to assure the availability when needed of safe and sanitary dwellings for persons engaged in national defense activities.

History: Ch. 20221, Laws of Fla., 1941.

Section 421.38 Defense Housing by Authorities.

(1) Any housing authority may undertake the development and administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities whom the housing authority determines would not otherwise be able to secure safe and sanitary dwellings within the vicinity thereof, but no housing authority shall initiate the development of any such project pursuant to this law after the termination of the existing war by the signing of a definitive treaty of peace, or by the proclamation of the President of the United States that hostilities have ceased or that the emergency in justification of extraordinary wartime powers no longer exists, whichever shall first occur.

(2) In the ownership, development or administration of such projects, a housing authority

shall have all the rights, powers, privileges and immunities that such authority has under any provision of law relating to the ownership, development or administration of slum clearance and housing projects for persons of low income, in the same manner as though all the provisions of law applicable to slum clearance and housing projects for persons of low income were applicable to projects developed or administered to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities as provided in this law, and housing projects developed or administered hereunder shall constitute "housing projects" under the housing authorities law, as that term is used therein; provided, that during the period (herein called the "national defense period") that a housing authority finds (which finding shall be conclusive in any suit, action or proceeding) that within its area of operation (as defined in the housing authorities law), or any part thereof, there is an acute shortage of safe and sanitary dwellings which impedes the national defense activities, any project developed or administered by such housing authority (or by any housing authority cooperating with it) in such area pursuant to this law, with the financial aid of the federal government (or as agents for the federal government as hereinafter provided), shall not be subject to the limitations provided in Section 421.10 and the second sentence of Section 421.09; and provided, further, that during the national defense period, a housing authority may make payments in such amounts as it finds necessary or desirable for any services, facilities, works, privileges or improvements furnished for or in connection with any such projects. After the national defense period, any such projects owned and administered by a housing authority shall be administered for the purposes and in accordance with the provisions of the housing authorities law.

History: Ch. 20221, Laws of Fla., 1941.

Section 421.39 Acting for Federal Government On Defense Housing. A housing authority may exercise any or all of its powers for the purpose of cooperating with, or acting as agent for, the federal government in the development or administration of projects by the federal government to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities and may undertake the development or administration of any such project for the federal government. In order to assure the availability of safe and sanitary housing for persons engaged in national defense activities, a housing authority may sell (in whole or in part) to the federal government any housing project developed for persons of low income but not yet occupied by such persons; such sale shall be at such price and upon such terms as the housing authority shall prescribe and shall include provision for the satisfaction of all debts and liabilities of the authority relating to such project.

History: Ch. 20221, Laws of Fla., 1941.

Section 421.40 Cooperation by Public Bodies on Defense Housing. Any state public body, as defined in the Housing Cooperation Law shall have the same rights and powers to cooperate with housing authorities, or with the federal government, with respect to the development or administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities that such state public body has pursuant to such law for the purpose of assisting the development or administration of slum clearance or housing projects for persons of low income.

History: Ch. 20221, Laws of Fla., 1941.

Section 421.41 Bonds for Defense Housing Legal Investments. Bonds or other obligations issued by a housing authority for a project developed or administered pursuant to this law shall be security for public deposits and legal investments to the same extent and for the same persons, institutions, associations, corporations, bodies and officers as bonds or other obligations issued pursuant to the housing authorities law for the development of a slum clearance or housing project for persons of low income.

History: Ch. 20221, Laws of Fla., 1941.

Section 421.42 Defense Housing Contracts Validated. All bonds, notes, contracts, agreements and obligations of housing authorities heretofore issued or entered into relating to financing or undertaking (including cooperating with or acting as agent of the federal government in) the development or administration of any project to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities, are hereby validated and declared legal in all respects, notwithstanding any defect or irregularity therein or any want of statutory authority.

History: Ch. 20221, Laws of Fla., 1941.

Section 421.43 Removal of Restrictions for Defense Housing. This law shall constitute an independent authorization for a housing authority to undertake the development or administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities as provided in this law and for a housing authority to cooperate with, or act as agent for, the federal government in the development or administration of similar projects by the federal government. In acting under this authorization, a housing authority shall not be subject to any limitations, restrictions or requirements of other laws (except those relating to land acquisition) prescribing the procedure or action to be taken in the development or administration of any public works, including slum clearance and housing projects for persons of low income or undertakings or projects of municipal or public corporations or political subdivisions or agencies of the state. A housing authority may do any and all things necessary or desirable to cooperate with, or act as agent

for, the federal government, or to secure financial aid, in the expeditious development or in the administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities and to effectuate the purposes of this law.

History: Ch. 20221, Laws of Fla., 1941.

Section 421.44 Defense Housing; Definitions.

(1) "Persons engaged in national defense activities," as used in this law, shall include: Enlisted men in the military and naval services of the United States and employees of the war and navy departments assigned to duty at military or naval reservations, posts or bases; and workers engaged or to be engaged in any industries connected with and essential in the national defense program; and shall include the families of the aforesaid persons who are living with them.

(2) "Persons of low income," as used in this law, shall mean persons or families who lack the amount of income which is necessary (as determined by the housing authority undertaking the housing project) to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding.

(3) "Development," as used in this law, shall mean any and all undertakings necessary for the planning, land acquisition, demolition, financing, construction or equipment in connection with a project (including the negotiation or award of contracts therefor), and shall include acquisition of any project (in whole or in part) from the federal government.

(4) "Administration," as used in this law, shall mean any and all undertakings necessary for management, operation or maintenance, in connection with any project, and shall include the leasing of any project (in whole or in part) from the federal government.

(5) "Federal government," as used in this law, shall mean the United States or any agency or instrumentality, corporate or otherwise, of the United States.

(6) The development of a project shall be deemed to be "initiated," within the meaning of this law, if a housing authority has issued any bonds, notes or other obligations with respect to financing the development of such project of the authority, or has contracted with the federal government with respect to the exercise of powers hereunder in the development of such project of the federal government for which an allocation of funds has been made prior to the termination of the existing war by the signing of a definitive treaty of peace, or by the proclamation of the President of the United States that hostilities have ceased or that the emergency in justification of extraordinary wartime powers no longer exists, whichever shall first occur.

(7) "Housing authority," as used in this law, shall mean any housing authority established or hereafter established pursuant to the housing authorities law.

History: Ch. 20221, Laws of Fla., 1941; Ch. 21697, Laws of Fla., 1943; Ch. 22858, Laws of Fla., 1945; Ch. 57-1, Laws of Fla.

Section 421.45 Provisions Supplemental. The powers conferred by Sections 421.37-421.44 shall be in addition and supplemental to the powers conferred by any other law, and nothing contained therein shall be construed as limiting any other powers of a housing authority.

History: Ch. 20221, Laws of Fla., 1941.

Section 421.46 Organization and Establishment of Housing Authorities Validated. The establishment and organization of housing authorities under the provisions of the Housing Authorities Law of this state together with all proceedings, acts and things heretofore undertaken, performed or done with reference thereto, are hereby validated, ratified, confirmed, approved and declared legal in all respects, notwithstanding any defect or irregularity therein or any want of statutory authority.

History: Ch. 20222, Laws of Fla., 1941.

Section 421.47 Contracts and Undertakings of Housing Authorities Validated. All contracts, agreements, obligations, and undertakings of such housing authorities heretofore entered into relating to financing or aiding in the development, construction, maintenance or operation of any housing project or projects or to obtaining aid therefor from the United States Housing Authority, including (without limiting the generality of the foregoing) loan and annual contributions contracts and leases with the United States Housing Authority, agreements with municipalities or other public bodies (including those which are pledged or authorized to be pledged for the protection of the holders of any notes or bonds issued by such housing authorities or which are otherwise made a part of the contract with such holders of notes or bonds) relating to cooperation and contributions in aid of housing projects, payments (if any) in lieu of taxes, furnishing of municipal services and facilities, and the elimination of unsafe and insanitary dwellings, and contracts for the construction of housing projects, together with all proceedings, acts and things heretofore undertaken, performed or done with reference thereto, are hereby validated, ratified, confirmed, approved and declared legal in all respects, notwithstanding any defect or irregularity therein or any want of statutory authority.

History: Ch. 20222, Laws of Fla., 1941.

Section 421.48 Notes and Bonds of Housing Authorities Validated. All proceedings, laws and things heretofore undertaken, performed or done in or for the authorization, issuance, execution and delivery of notes and bonds by housing authorities for the purpose of financing or aiding in the development or construction of a housing project or projects, and all notes and bonds heretofore issued by housing authorities are hereby validated, ratified, confirmed, approved and declared legal in all respects, notwithstanding any defect or irregularity therein or any want of statutory authority.

History: Ch. 20222, Laws of Fla., 1941.

Section 421.49 Area of Operation of Housing Authorities for Defense Housing. In the development or the administration of projects, under Sections 421.37-421.48, to assure the availability of safe and sanitary dwellings for persons engaged in national defense activities or in otherwise carrying out the purposes of such law, or in the administration of such projects in accordance with the provisions of the housing authorities law, a housing authority of a city may exercise its powers within the territorial boundaries of said city and an area within ten miles from said boundaries, excluding the area within the territorial boundaries of any other city which has heretofore established a housing authority.

History: Ch. 20249, Laws of Fla., 1941.

Ed. Note: Deleted are Sections 421.50 and 421.51 which pertain only to county and regional authorities not established in Duval County.

Section 421.52 Authorities; Creation, Obligations, Etc., Validated.

(1) The creation, establishment and organization of housing authorities under the provisions of chapter 17981, laws of 1937, as amended, or chapter 20220, laws of 1941 (Sections 421.01-421.36), together with all proceedings, acts and things heretofore undertaken or done with reference thereto, are hereby validated and declared legal in all respects.

(2) All agreements and undertakings of such housing authorities heretofore entered into, relating to financing, or aiding in the development or operation of any housing projects, including (without limiting the generality of the foregoing) loan and annual contributions contracts, agency contracts, and leases, agreements with municipalities or other public bodies (including those which are pledged or authorized to be pledged for the protection of the holders of any notes or debentures issued by such housing authorities or which are otherwise made a part of the contract with such holders of notes or debentures) relating to cooperation in aid of housing projects, payments to public bodies in the state, furnishing of municipal services and facilities and the elimination of unsafe and insanitary dwellings, and contracts for the construction of housing projects, together with all proceedings, acts and things heretofore undertaken or done with reference thereto, are hereby validated and declared legal in all respects.

(3) All proceedings, acts and things heretofore undertaken or done in or for the authorization, issuance, execution and delivery of notes and debentures by housing authorities for the purpose of financing or aiding in the development or construction of a housing project or projects, and all notes and debentures heretofore issued by housing authorities are hereby validated and declared legal in all respects.

History: Ch. 21698, Laws of Fla., 1943.

TRANSFER OF HOUSING AUTHORITY POWERS

Chapter 70-744, Laws of Florida

Section 1. Advisory Board.

(a) A housing and urban development advisory board of eleven (11) members, including a chairman, is hereby established in and for the City of Jacksonville. Members of the advisory board shall be appointed by the mayor and confirmed by the council for a term of four (4) years, except that all vacancies shall be filled for unexpired terms. The terms of all members shall commence on July 1, 1970. In the initial appointments to the advisory board the mayor shall make six (6) appointments for a period of only two (2) years and the remaining five (5) appointments for a period of four (4) years to provide staggered terms of office for the members of the board. Thereafter, all terms shall be for a period of four (4) years, commencing on July 1 of the year of the appointment. The chairman of the advisory board shall be appointed by the mayor to serve for a four (4) year term as chairman. No board member may be an officer or employee of the City of Jacksonville. Board members shall receive no compensation for their services, but shall be reimbursed for actual expenses, including travel expenses, as the council may provide.

(b) **Duties.** The advisory board shall from time to time advise, consult and make recommendations to the director of the department of housing and urban development, the mayor, and the council upon the operations, policies, and future

plans and programs administered by the department of housing and urban development relating to plans and projects for community redevelopment, relocation of persons displaced by community redevelopment, and public housing.

(c) On the effective date of this act, the offices of commissioners of the Jacksonville housing authority shall be terminated.

Section 2. Transfer of Powers.

All of the powers and duties granted by chapter 17981, Laws of Florida, 1937, the Florida housing authorities law, provided by that law and the resolution of the former city commissioners of the City of Jacksonville are transferred to the consolidated City of Jacksonville, to be exercised in such divisions, or departments, as the council by ordinance may provide. The City of Jacksonville shall be empowered to exercise all housing authority powers and duties now or in the future granted to housing authorities in Florida and shall assume all of the duties and obligations discharged prior to the effective date of this act by the Jacksonville housing authority. All outstanding indebtedness, bonds, notes, contracts and other such obligations, and all projects and operations undertaken by the housing authority of Jacksonville with the United States of America and with the State of Florida are imposed without limitation and transferred to the City of Jacksonville.

Section 3. Property and Personnel.

(a) All real and personal property, funds, contracts, agreements, records, and other credits and documents of the Jacksonville housing authority are conveyed and transferred to the City of Jacksonville. In the future acquisition of supplies, materials and property, but only where that acquisition is for the purpose of exercising powers of housing authorities, the City of Jacksonville shall not be required to use purchasing facilities required by Chapter 3, article 7, chapter 67-20, Laws of Florida, the charter of Jacksonville, if the city uses instead procedures and sources of supply provided by law of the United States of America relating to housing authorities and related social service projects.

(b) Upon the transfer and reassignment provided by this act, all employees of the former housing authority of Jacksonville with at least six (6) months service shall be entitled to all of the rights and privileges of the civil service system of the City of Jacksonville, but nothing herein contained shall in any way be construed to prejudice or diminish the employment, salaries, or pension rights of any of said employees. They shall be entitled to admission to the pension funds

of the City of Jacksonville if they are qualified under the rules of those pension funds, but may elect to remain members of any pension fund of which they are members on the date of their transfer of employment.

Section 4. Executive Director Redesignated.

Upon the transfer of powers and duties effected by this act, the executive director of the former Jacksonville Housing authority shall be redesignated as the assistant director of the department of housing and urban development for a term of at least three (3) years, during which period his salary shall not be diminished.

Section 5. Effective Date. The provisions of this act shall take effect upon becoming law, but only after passage of an approving ordinance by the council of the City of Jacksonville, approved by the mayor, assuming all of the obligations, contracts and debts of the former housing authority of Jacksonville, and providing for the discharge of the powers and duties of housing authorities in Florida in such departments and divisions as may be provided by ordinance.

History: Chapter 70-744, Laws of Fla., made effective October 1, 1970 by implementing Ordinance 70-819-387.

Competing w/ part. business
not in business w/ part. enterprise
private

public agency
not receiving public money
by acting as a part.
w/ part. interest,
public utility and
public debt.

THE JACKSONVILLE AREA PLANNING BOARD

Chapter 61-2329, Laws of Florida

Section 1. There is hereby created a board to be known as the "Jacksonville Area Planning Board", or by such other name as said board may from time to time select. Said board shall hereafter be referred to as the "Area Planning Board", or the "Board". The Board shall be the planning agency for the City of Jacksonville and those counties adjacent to Duval County desiring to participate in the comprehensive area planning authorized by this act.

History: Amended by Chapter 71-691, Laws of Florida.

Section 2. The Area Planning Board shall consist of nine (9) appointed voting members plus the Mayor and the President of the Council of the City of Jacksonville in an ex officio, non-voting status. Members shall be appointed by the Mayor of the City of Jacksonville and confirmed by the council of the City of Jacksonville and shall serve four (4) year terms. The Mayor shall appoint other members only as vacancies arise. Members shall be residents and qualified electors of the City of Jacksonville. Any vacancy in the membership of the Board shall be filled for the period of the unexpired term. The members of the Board shall receive no compensation for their services as a member and shall not be entitled to any pension or other retirement benefits on account of service on the Board. The Board shall elect one (1) of its members as Chairman, who shall serve for one (1) year or until his successor is elected.

History: Amended by Chapters 67-1329 and 71-692, Laws of Florida.

Section 3. (a) The Board shall appoint an advisory committee that shall include but not be limited to the following: one member each designated by the Duval County School Board, the Jacksonville Expressway Authority and the United States Navy Complex, and from each School Board District of the City of Jacksonville, one member designated by the Council of the City of Jacksonville. In addition, the following will serve as ex officio members of the advisory committee: The Chairman of the Jacksonville Building and Zoning Codes Adjustment Board, the President of the Jacksonville City Council, the County Agricultural Agent of Duval County, the Chairman of the Housing and Urban Development Advisory Committee, the City Engineer of the City of Jacksonville, and the Chairman of the Committee of ONE HUNDRED of the Jacksonville Area Chamber of Commerce. This committee will elect its own Chairman and such other officers as the Committee deems necessary.

The Advisory Committee shall act in an advisory capacity to the Board and shall bring such matters to the Board's attention as the advisory committee may deem appropriate.

History: Amended by Chapters 67-1329 and 71-692, Laws of Florida.

(b) The said Area Planning Board shall have all the powers of a body corporate, including the power to sue and be sued; to make contracts; to adopt and use a common seal and to alter the same as may be deemed expedient; to rent, lease, buy, own, acquire and dispose of such property, real and personal, as

said Board may deem proper to carry out the provisions of this Act; to appoint, employ and dismiss at pleasure, such employees, auditors, engineers and attorneys as the Board may deem necessary to carry out the purposes of this Act, and to fix and pay the compensation thereof; to establish an office in the City of Jacksonville, Florida; to pay all necessary costs and expenses involved and incurred in the formation and organization of said Area Planning Board, and incident to the administration and operation thereof, and to pay all other costs and expenses reasonably necessary in carrying out the purposes of this Act, to cooperate with, contract with or accept funds from private, state, federal, municipal, local public or semi-public agencies and may expend such funds and carry out such cooperative undertakings and contracts as the Board shall deem reasonably necessary to carry out the purpose of this Act; to do any and all other acts or things herein authorized or required to be done, whether or not included in the general powers mentioned in this section; and to do any and all other things reasonably necessary to accomplish the purposes of this Act.

History: Amended by Chapter 71-692, Laws of Florida.

(c) It shall be the duty of the Area Planning Board to employ a full-time professional planner and an appropriate professional staff in order to develop comprehensive plans for the physical and economic development of the City of Jacksonville, with the general purpose of guiding and accomplishing a coordinated and harmonious development of the area and of public facilities, improvements and utilities located therein. The Board may conduct research studies, collect and analyze data, prepare maps, charts and tables, and conduct all necessary studies for the accomplishment of its duties; it may publicize and advertise its purposes, objectives and findings, and may distribute reports thereon; it may advise governmental units and the public in its area on planning matters within the scope of its duties and objectives and may act as a coordinating agency for programs and activities of governmental units affecting comprehensive area planning. Such comprehensive plans, with accompanying maps, plats, charts and descriptive matter shall show the area planning board's recommendations for the development of said area and shall include the following, without limitation of the general purposes of this act:

(1) The general location and character of streets, viaducts, bridges, parkways, public and private parking areas, the development of a comprehensive system of arterial highways, the location of bus, truck and other vehicular terminal facilities and such other plans and facilities as are necessary to improve and accommodate the movement and storage of motor vehicles in the area.

History: Amended by Chapter 71-692, Laws of Florida.

(2) A comprehensive plan for the development of port facilities in the area including the location and development of terminal facilities, a plan of connecting rail, truck, air and water routes to service such facilities, plans for the improvement of natural

waterways and construction of such artificial channels as are deemed necessary for the proper development of the area.

(3) A plan for the location and development of air fields, air terminals, and other associated facilities as are necessary for the orderly movement and storage of private and commercial air traffic.

(4) A plan for the development and location of railroad terminals, facilities, and trackage, and the general location and development of electric, water, gas, communication, and other utilities, private or public.

(5) A comprehensive sanitary sewerage plan, a comprehensive plan for storm drainage and flood control including conservation measures, and plans and recommendations for the disposal of sanitary and industrial wastes throughout the area.

(6) The general location and development of educational, recreational and public buildings, parks, beaches and other similar facilities.

(7) The use of land and water areas, and air space for residential, commercial, industrial, recreational and other purposes.

(d) It shall be the duty of the Area Planning Board to review all comprehensive plans, proposed subdivision plats, proposed site locations for public facilities and other matters related to land use and area planning which are referred to the board by the Council of the City of Jacksonville, the Duval County School Board or any other agency or board of the City of Jacksonville or any other government body and to submit to such board, agency or other governmental body an advisory opinion on such matter within a reasonable time.

History: Amended by Chapters 63-1285, 65-1490, 67-1329 and 71-697, Laws of Florida.

(e) It shall be the duty of the Area Planning Board to provide technical staff assistance to the zoning authorities of the City of Jacksonville and to authorize its Executive Director to make recommendations to the zoning authorities of the City of Jacksonville on matters related to zoning.

History: Added by Chapter 71-697, Laws of Florida.

Section 4. (a) The Board shall have the power to adopt, alter or repeal its own by-laws, rules and regulations governing the manner in which its business is transacted and may provide for the appointment of such committees and the functions thereof as the Board may deem necessary or expedient in carrying on its business; provided however, that all nonprofessional employees of the Board shall be included within the Civil Service System of the City of Jacksonville; and provided further, that the board shall utilize on a cost accounted basis the services of the Central Services Department of the City of Jacksonville, except where otherwise provided by the Council of the City of Jacksonville.

(b) The Code of Ethics embodied in Article 16 of the Charter of the City of Jacksonville shall apply to all officers and employees of the Board.

History: Amended by Chapter 67-1329, Laws of Florida.

Section 5. Members and employees of the Board shall be entitled to payment of reasonable expenses as provided by the Council under the Charter of the City of Jacksonville.

History: Added by Chapter 71-698, Laws of Florida.

Section 6. The Board shall prepare and submit its budget to the Council of the City of Jacksonville on or before June 1 for its ensuing fiscal year. The Council may increase or decrease the appropriation requested by the Board as provided in the charter of the City of Jacksonville for approval and disapproval of the budgets of independent agencies by the council and the mayor.

History: Amended by Chapter 67-1329, Laws of Florida.

Section 7. In the interpretation of this Act the terms "City" and "City of Jacksonville" shall mean the City of Jacksonville created pursuant to Section 9 of Article VIII of the Constitution of the State of Florida.

History: Amended by Chapter 63-1285, 65-1490 and 67-1329, Laws of Florida.

Section 8. Counties adjacent to Duval County which desire to participate in the comprehensive area planning authorized by this Act may, by vote of the County Commissioners of such county or counties, elect to be included in the activities of the Board, and such participation and appropriation of funds pursuant thereto shall be deemed to be for a lawful county purpose of the participating county. The amount of contribution to the expenses of the Board from such county or counties shall be determined from time to time by agreement between the Area Planning Board and the County Commissioners of the participating county or counties. One additional member of the Board shall be added for each county which elects to participate, which additional member shall be a County Commissioner of such county. Upon the participation of such additional county or counties, the area for which comprehensive planning is authorized by this Act shall include such additional county or counties and any municipalities therein.

Section 9. Before adopting any comprehensive plan or such integral part thereof as the Board may wish to propose, the Board shall hold at least one (1) public hearing in each Urban Services District of the City of Jacksonville and at least one (1) other public hearing in the remaining portion of the General Services District of the City of Jacksonville and in each county commissioner's district of other counties participating in the area planning authorized by Chapter 61-2329, Laws of Florida, as amended; provided, however, that no public hearing shall be required to be held in any such district which is unaffected thereby. Before adopting any change or amendment, extension or addition to such comprehensive plan, the Area Planning Board shall hold at least one (1) public hearing thereon. At least two (2) weeks' prior notice of the time and place of such hearing shall be given by publication in a newspaper of general circulation in the City of Jacksonville. At least two (2) weeks' prior notice of the hearing shall be given in writing to the City Council of the City of Jacksonville and to any other municipality or county participating therein. The adoption of the plan and of any part, amendment, extension or addition thereto, shall be by resolution of the Area Planning Board, carried by the affirmative vote of not less than two thirds (2/3) of its members.

History: Amended by Chapter 65-1490 and 67-1329, Laws of Florida.

Section 10. The Area Planning Board shall act in an advisory capacity only and the adoption by the Planning Board of such comprehensive plan or any part thereof or any amendment, extension or addition thereto, shall constitute a recommendation only and shall have no binding effect on the City of Jacksonville, or any adjacent county participating in the Area Planning Board, or any municipality therein.

History: Amended by Chapter 71-692, Laws of Florida.

Section 11. The City of Jacksonville or any municipality or county participating therein, may adopt such master plan, or such part thereof, or such amendment, extension or addition thereto as it may deem proper by such procedure as is required by law.

History: Amended by Chapter 71-692, Laws of Florida.

Section 12. Upon the adoption of such comprehensive plan or part thereof by the City of Jacksonville, or any adjacent county participating in the Area Planning Board, the same shall not thereafter be changed by a participant governmental unit within its territorial limits, without first referring such proposed change to the Area Planning Board for its recommendations. When a proposed change has been referred to the Area Planning Board, failure of the Board to report its recommendations with respect to such change within thirty (30) days after its receipt shall be deemed to constitute approval by the Board of such change. The recommendation of the Area Planning Board with respect to a proposed change shall be advisory only and after the receipt of the Board's recommendation or its failure to report within thirty (30) days as hereinabove provided, said Board of County Commissioners or municipality within the territorial limits of which a change is proposed, may then adopt such change or not as it sees fit and by such procedure as is required by law.

History: Amended by Chapter 71-692, Laws of Florida.

Section 13. Whenever the comprehensive plan or any part thereof shall be adopted either by the City of Jacksonville, or any adjacent county participating in the Area Planning Board, the enforcement within its territorial limits, of said plan or part thereof so adopted, shall rest solely with said municipality, or, if outside the limits of any municipality, then solely with the Board of County Commissioners of said adjacent county.

History: Amended by Chapter 71-692, Laws of Florida.

Section 14. The Area Planning Board, the City of Jacksonville, any adjacent county participating in the Area Planning Board, or any State or other governmental agency, shall have the authority to contract with one another for the furnishing of such services and assistance as may be necessary or proper under the provisions of this Act. The Area Planning Board may make available the comprehensive plans or any part thereof to any other county or municipality upon such terms as may be mutually agreed upon.

History: Amended by Chapter 71-692, Laws of Florida.

Section 15. The Board shall make annual audits and reports of its receipts and disbursements and its financial condition to each of the governmental units, boards, commissions, authorities, offices, etc., participating in the Area Planning Board officially or through ex officio representation, and file a copy thereof with the Clerk of the Circuit Court in the respective participating counties, and with the Board of County Commissioners in the respective participating counties. Each such governmental unit, board, commission, authority, office, etc., shall have complete access to, and may inspect or review from time to time, all financial records and documents of the Area Planning Board, and all statistics or other records or documents in the possession or control of the Area Planning Board.

Section 16. It is intended that the provisions of the Act shall be liberally construed to accomplish the purposes provided for, or intended to be provided for, herein, and where strict construction would result in the defeat of the accomplishment of any of the acts authorized herein, and a liberal construction would permit or assist in the accomplishment thereof, the liberal construction shall be chosen.

Section 17. If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this Act is for any reason held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of the Act, the Legislature hereby declaring that it would have passed this Act, and each and every section, subsection, paragraph, subparagraph, sentence, clause and phrase thereof, notwithstanding the fact that any one or more sections, subsections, paragraphs, subparagraphs, sentences, clauses or phrases thereof may be declared unconstitutional or otherwise ineffective.

Section 18. All laws or parts of laws in conflict with this Act are hereby repealed, to the extent of such conflict.

THE JACKSONVILLE ELECTRIC AUTHORITY

Chapter 67-1569, Laws of Florida

Section 1. There is hereby created and established a body politic and corporate to be known as the Jacksonville electric authority, which is hereby authorized to own, manage and operate an electric utilities system in the city of Jacksonville and in any or all counties adjacent thereto.

Section 2. In the interpretation of this act the following words and phrases shall be interpreted as provided in this section.

(1) The terms "city" and "city of Jacksonville" shall mean the city of Jacksonville created pursuant to section 9 of article VIII of the Constitution of the state of Florida.

(2) The term "mayor" shall mean the mayor of the city of Jacksonville.

(3) The term "council" shall mean the council of the city of Jacksonville.

(4) The term "authority" shall mean the Jacksonville electric authority.

(5) The term "electric system" shall mean the electric utilities system of the city of Jacksonville.

(6) The term "charter" shall mean the charter of the city of Jacksonville.

(7) The term "member" shall mean a member of the authority.

(8) The term "managing director" shall mean the managing director of the Jacksonville electric authority.

Section 3. The governing body of the authority shall consist of seven (7) members who shall be appointed by the mayor subject to confirmation by the council. Two (2) members of the authority who are first appointed shall be designated by the mayor to serve for terms of four (4) years, two (2) members shall be designated to serve for terms of three (3) years, two (2) members shall be designated to serve for terms of two (2) years, and one (1) member shall be designated to serve for a term of one (1) year, each of such terms to commence with the date of the appointments of said members. Thereafter, the term of office of each member shall be for four (4) years, but each appointed member shall hold such office until his successor has been appointed and has qualified. The mayor shall make the initial appointments under this section prior to May 1, 1968. Every member of the authority shall have attained the age of twenty-five (25) years and shall have been a resident of the city for at least two (2) years prior to his appointment. No member of the authority shall hold any other public office or position. If at any time during his term of membership on the authority, any member shall cease to be a resident of the city or shall hold any other public office or position, he shall cease to be a member and a vacancy shall exist on the authority. Any vacancy on the authority, however created, shall be filled for the unexpired term in the same manner as provided for initial appointment to the authority, and the person so appointed shall have and retain all the qualifications prescribed for appointment to membership on the authority. Any member appointed to the authority for two (2)

consecutive full terms shall not be eligible for the succeeding term.

The members of the authority shall not be entitled to compensation, pension or other retirement benefits on account of service on the authority, but members and employees shall be entitled to payment of reasonable expenses as provided by the council of the City of Jacksonville. Members of the authority shall be subject to the provisions of article 20 of the charter.

History: Amended by Chapter 71-698, Laws of Florida.

The authority shall elect a chairman, vice chairman and secretary, each of whom shall serve for one (1) year or until his successor is chosen. The authority 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 chairman or any three (3) members of the authority. A majority of the membership shall constitute a quorum for the purpose of meeting and transacting business. Each member of the authority shall have one (1) vote. The authority may adopt bylaws and makes rules and regulations not inconsistent with this act or general law.

Section 4. The authority shall have the following powers, in addition to powers otherwise conferred:

(1) To construct, acquire, establish, improve, extend, enlarge, reconstruct, re-equip, maintain, repair and operate the electric system of the city;

(2) To acquire for the use of the electric system by grant, purchase, gift, devise, condemnation by eminent domain proceedings, exchange or in any other manner, all property real or personal, or any estate or interest therein, and to sell or otherwise transfer, with or without consideration, any such property when in the authority's discretion it is no longer needed or useful, all upon such terms and conditions as the authority shall by resolution fix and determine. The right of eminent domain conferred herein shall be exercised by the authority in the manner provided by law;

(3) To furnish electricity to private persons, firms and corporations, the city, and any other public or private body, organization or unit, in any part of the city or in any adjacent county and for said purposes shall have the right to construct and maintain electric lines in and along all public highways and streets throughout the city and said adjacent counties;

(4) To the extent permitted by law to fix, regulate and collect rates and charges for the services furnished by the electric system, to impose sanctions to enforce compliance with any rule or regulation which the authority may adopt in the management and operation of, or the sale or use of electricity from the electric system. The city and other public bodies shall be required to pay for electricity upon the same basis as other users.

(5) To sue and be sued, implead and be impleaded, complain and defend in all courts; to adopt and use a corporate seal; to make and enter into all contracts, agreements, and leases and to do

and perform all other acts and deeds necessary and incidental to the performance of its duties and the exercise of its powers;

(6) 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 electric system;

(7) (a) To issue revenue bonds of the authority for the purpose of paying all or a part of the cost of any one or more enlargements, expansions, developments or replacements or modernizations of the electric system, whether the property used therefor has been previously acquired or not, for the purpose of paying all or a part of the cost of removing, relocating or reconstructing at another location any portion of the electric system which in the opinion of the authority constitutes an obstruction or hazard to the safe or efficient operation of the system, and for the purpose of paying off and retiring any bonds issued or assumed under this act, and for any combination of one or more such purposes in any single issue of revenue bonds.

(b) The bonds of each issue shall be authorized by resolution of the authority and shall be dated, shall bear interest at such rate or rates not exceeding six per centum (6%) per annum, shall mature at such time or times not exceeding forty (40) years from their date or dates, as may be determined by the authority, and may be made redeemable before maturity, at the option of the authority, at such price or prices and under such terms and conditions as may be fixed by the authority prior to the issuance of the bonds. The authority shall determine the form of bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the state. The resolution authorizing the issuance of the bonds shall contain such provisions relating to the use of the proceeds from the sale of the bonds and for the protection and security of holders of the bonds, including their rights and remedies, and the rights, powers, privileges, duties and obligations of the authority with respect to the same, as shall be determined by the authority. In case any officer whose signature or facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All bonds issued under the provisions of this act 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 bonds may be issued in coupon or in registered form, or both, as the authority may determine, and provisions may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The issuance of such bonds

shall not be subject to any limitations or conditions contained in any other law.

(c) Prior to any sale of bonds the authority shall cause notice to be given by publication in some daily newspaper published and having a general circulation in the city that the authority will receive bids for the purchase of the bonds at the office of the authority in the city. Said notice shall be published twice and the first publication shall be given not less than fifteen (15) days prior to the date set for receiving the bids. Said notice shall specify the amount of the bonds offered for sale and shall state that the bids shall be sealed bids, shall give the schedule of the maturities of the proposed bonds and such other pertinent information as may be prescribed in the resolution authorizing the issuance of such bonds or any resolution subsequent thereto. Bidders may be invited to name the rate or rates of interest and invite bids thereon. In addition to publication of notice of the proposed sales the authority shall also give notice in writing of the proposed sale enclosing a copy of such advertisement to the chairman of the Florida development commission and to at least three (3) recognized bond dealers in the state, such notices to be given not less than (10) days prior to the date set for receiving the bids.

(d) All bonds and refunding bonds issued pursuant to this act shall be sold at public sale and shall be awarded to the bidder whose bid produces the lowest net interest cost to the authority. The net interest cost of bonds shall be determined by taking the aggregate amount of interest at the rate or rates specified in the bonds, computed from the date of the bonds to the date of the various stated maturities thereof, and deducting therefrom the amount of any premium offered in excess of the par value of the bonds or adding thereto the amount of any discount offered below the par value of the bonds, with interest computed on a three hundred sixty (360) day year basis. The authority shall reserve the right to reject any or all bids. In no event shall said bonds be sold at a net interest cost to the authority in excess of six per cent (6%) per annum. Pending the preparation of definitive bonds, interim bonds may be issued to the purchaser or purchasers of such bonds, and may contain such terms and conditions as the authority may determine.

(e) The authority shall require all bidders for said bonds to enclose a certified or bank cashier's check, in the amount of two (2) per cent of the total par value of the bonds offered for sale, drawn on an incorporated bank or trust company payable unconditionally to the order of the authority as a guarantee of good faith in the performance of each bid; the checks of the unsuccessful bidders shall be returned immediately upon the award of the bonds and the check of the successful bidder shall be retained by the authority and credited against the full purchase price of the bonds at the time of delivery or retained as and for liquidated damages in case of the failure of such bidder to fulfill the terms of his bid.

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

(g) Bonds or revenue certificates may be issued by the authority only upon approval by ordinance of the council.

(8) To borrow money and to issue notes for any

purpose or purposes for which bonds may be issued under the provisions of this act and to refund the same; to issue notes in anticipation of the receipt of the proceeds of the sale of any such bonds.

Section 5. Bonds eligible for legal investments. Notwithstanding any provisions of any other law or laws to the contrary, all revenue bonds including refunding bonds, issued pursuant to this act shall constitute legal investments for savings banks, 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.

Section 6. The city of Jacksonville shall transfer to the authority the physical properties, cash, accounts receivable, and all other assets relating to the electric system in existence on the date of transfer, and the authority shall assume all of the obligations of the city of Jacksonville relating to the electric system on such date, including bonded indebtedness. Such transfers shall take effect as of October 1, 1968.

Section 7. The authority shall have fiscal and budgetary functions, subject to the limitations herein expressed:

(1) The fiscal year of the authority shall commence on October 1 of each year and end on the following September 30.

(2) The authority shall prepare and submit its budget for the ensuing year to the council of the city on or before June 1 of each year, setting forth its estimated gross revenues, and estimated requirements for operations and maintenance expenses, debt service, and depreciation. A copy of said budget shall be published once in a newspaper of general circulation in the city during the month of June. The council and the mayor of the city of Jacksonville shall approve or disapprove such budget in the manner provided in the charter of the city of Jacksonville for budgets of independent agencies.

(3) The council of the city shall have the power to appropriate up to thirty per cent (30%) of the estimated gross revenues of the authority for the uses and purposes of the city, and the authority shall pay over to the city such portions of the funds actually appropriated by the council at such times as the council may request, but not in advance of collection. The authority shall submit monthly accountings to the council of its actual gross revenues, and appropriations of the council shall be adjusted to reflect increases or decreases in actual gross revenues from estimated gross revenues.

(4) The authority shall be required to set aside each year in a depreciation and reserve account an amount equal to not less than ten (10%) per cent of its annual net revenues for the previous year. For such purpose, annual net revenue shall mean annual gross revenues reduced by expenses for operation and maintenance and debt service. Funds set aside in said depreciation and reserve account shall be used exclusively for enlargements, extensions, improvements and replacements of the electric system.

(5) Except as the council may provide, the authority shall utilize on a cost accounted basis the services of the central services department of the city, and shall pay therefor.

(6) All revenues and service charges receivable by the authority as payment for the sale of electricity shall be collected and received by the tax collector of the city. The tax collector shall deposit to the account of or otherwise turn over to, the authority such funds at such times and in such manner as the authority may from time to time designate by resolution.

(7) The authority shall employ and fix the compensation of the managing director, who shall manage the affairs of the electric system under the supervision of the authority. The managing director shall devote his entire working time to the performance of his duties and have no outside employment or business. The managing director shall be a graduate engineer with at least five years experience in the field of engineering, operation and management of an electric utility or comparable enterprise. The authority may appoint and fix the compensation of up to three staff assistants to the managing director, excepted from the civil service system of the City of Jacksonville. Assistants so appointed shall serve at the pleasure of the authority. The authority shall employ and fix the compensation of the department heads, deputy directors of departments and division chiefs of the electric system. Neither the managing director nor department heads, deputy directors of departments, staff assistants or division chiefs so employed shall be included within the civil service system of the city, but shall be subject to the code of ethics, provided for in Article 20 of the Charter of Jacksonville. The authority may employ such certified public accountants, consultants and other employees for special purposes not within the civil service system of the city, as it may require, and fix and pay their compensation.

History: Amended by Chapter 71-706, Laws of Florida.

Section 9. All employees of the electric system of the city of Jacksonville on the effective date of this act shall continue without any loss of right or benefits as employees of the electric system under the supervision of the authority. The transfer of such employees shall be governed by article 18 of the charter. All employees of the electric system shall be employees of the city and shall be subject to articles 18, 19 and 20 of the charter unless otherwise provided by the council. The Jacksonville Electric Authority, at its expense, shall provide accidental death benefits for all employees engaged in hazardous duty, in the amount of \$10,000.00 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 employment.

History: Amended by Chapter 71-711, Laws of Florida.

Section 10. Awards of contracts.

(1) All construction, reconstruction, repairs or work of any nature made by the authority, where the entire costs, value or amount of such construction, reconstruction, repairs or work, including the labor

and materials, shall exceed two thousand (\$2,000.00) dollars except construction, reconstruction, repairs or work done by employees of the authority, or by labor supplied under agreement with federal government or state government, with supplies and material purchased as hereinafter provided, shall be done only under contract or contracts to be entered into by the authority with the lowest responsible bidder upon proper terms, after due public notice has been given asking for competitive bids as hereinafter provided. No contract shall be entered into for construction, or improvement, or repair of the electric system, or any part thereof, unless the contractor shall have given an undertaking with a sufficient surety or sureties, approved by the authority, and in an amount fixed by the authority, for the faithful performance of the contract. All such contracts shall provide among other things that the person or corporation entering into such contract with the authority will pay for all materials furnished and services rendered for the performance of the contract, and that any person or corporation furnishing such materials or rendering such services may maintain an action to recover for the same against the obligor in the undertaking, as though such person or corporation was named therein, provided the action is brought within one (1) year after the time the cause of action accrued. Nothing in this section shall be construed to limit the power of authority to construct, repair or improve the electric system, or any part thereof, or any addition, betterment or extension thereto, directly by the officers, agents and employees of the authority, or otherwise than by contract.

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(2) All supplies, equipment, machinery and materials costing ~~fifteen hundred dollars (\$1,500.00)~~ or more, shall be purchased only after due advertisement as provided hereinafter. The authority shall accept the lowest bid or bids, kind, quality and material being equal, but the authority shall have the right to reject any or all bids or select a single item from any bid. The provision as to bidding shall not apply to the purchase of patented and manufactured products offered for sale in a noncompetitive market or solely by a manufacturer's authorized dealer.

(3) The term "advertisement" or "due public notice" wherever used in this section shall mean a notice published at least once a week for two (2) consecutive weeks before the award of any contract, in a daily newspaper published and having a general circulation in the city, and in such other newspapers or publications as the authority shall deem advisable.

(4) No member of the authority 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 the authority 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 such authority. 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 the authority.

(5) Subject to the aforesaid provisions the authority may (but without intending by this provision to limit any powers of the authority), enter into and carry out such contract, or establish or comply with such rules and regulations concerning labor and materials and other related matters in connection with any construction project, or portion thereof, as the authority may deem desirable; provided that the provisions of this section shall not apply to any contract or agreement between the authority and any engineers, architects, attorneys, or for other professional services, or to any contract or agreement relating to fiscal advisors, fiscal agents, or investment bankers, relating to the financing of projects herein authorized.

Section 11. All instruments in writing necessary to be signed by the authority shall be executed by the chairman and secretary, or by such officer, agent or employee of the authority as it may by resolution designate. The authority shall provide for the examination of all payrolls, bills, and other claims and demands against the authority to determine before the same are paid that they are duly authorized, in proper form, correctly computed, legally due and payable, and that the authority has funds on hand to make payment.

Section 12. This act shall become effective on October 1, A.D. 1968; but only if there shall take effect on the same date a new charter for the city of Jacksonville pursuant to section 9 of article VIII of the Constitution of the state of Florida and House Bill 3029, Laws of Florida, regular session, 1967. However, the members of the authority shall take office upon the date of their appointment by the mayor of the city and confirmation by the council for the limited purposes of holding organizational meetings, employing a managing director and department heads, and preparing an initial budget and submitting it to the council. Such members of the authority and employees shall be entitled to compensation from the date of their appointment or employment in accordance with the provisions of this act, and such compensation shall be paid, for periods prior to October 1, 1968, by the electric department of the former city of Jacksonville.

History: This act became a law without the Governor's approval, and was led in the Office of Secretary of State on August 4, 1967.

THE JACKSONVILLE TRANSPORTATION AUTHORITY

Chapter 349, Florida Statutes

Section 349.01 Title of Law. This law shall be known and may be cited as the "Jacksonville expressway authority law."

History: Ch. 29996, Laws of Fla., 1955.

Section 349.02 Definitions. The following terms whenever used or referred to in this law shall have the following meanings, except in those instances where the context clearly indicates otherwise:

(1) The term "authority" shall mean the body politic and corporate, and agency of the state created by this chapter.

(2) The term "members" shall mean the governing body of the authority and the term "member" shall mean one of the individuals constituting such governing body.

(3) The term "bonds" shall mean and include the notes, bonds, refunding bonds or other evidences of indebtedness or obligations in either temporary or definitive form, which the authority is authorized to issue pursuant to this chapter.

(4) The term "lease-purchase agreement" shall mean the lease-purchase agreements which the authority is authorized pursuant to this chapter to enter into with the state road department.

(5) The term "state road department" or "department" shall mean the state road department of the state, organized and existing under and by virtue of the provisions of former chapter 341, or the successor thereto, chapter 29965, acts of 1955, now chapters 334-339.

(6) The terms "Florida state improvement commission" or "commission" shall mean the state agency created, organized and existing under and by virtue of the provisions of former chapter 420, or the successor thereto, chapter 29788, acts of 1955, now chapter 288.

(7) The term "county" shall mean the county of Duval.

(8) The term "city" shall mean the city of Jacksonville.

(9) The term "state board of administration" shall mean the body corporate created, organized and existing under and by virtue of the provisions of Section 16, Art. IX, of the State Constitution, or any successor thereto.

(10) The term "agency of the state" shall mean and include the state and any department of, or corporation, agency or instrumentality heretofore or hereafter created, designated, or established by, the state.

(11) The term "federal agency" shall mean and include the United States, the president of the United States, and any department of, or corporation, agency or instrumentality heretofore or hereafter created, designated, or established by, the United States.

(12) The term "Duval county gasoline tax funds" shall mean all the eighty per cent surplus gasoline tax funds accruing in each year to the state road department for use in Duval county under the provisions of Section 16, Art. IX, of the state constitution, after deduction only of any amounts of

said gasoline tax funds heretofore pledged by the state road department or the county for outstanding obligations.

(13) Words importing singular number shall include the plural number in each case and vice versa, and words importing persons shall include firms and corporations.

History: Ch. 29996, Laws of Fla., 1955.

Section 349.03 Jacksonville Expressway Authority.

(1) There is hereby created and established a body politic and corporate and an agency of the state to be known as the Jacksonville expressway authority, hereby redesignated as the Jacksonville transportation authority and hereinafter referred to as the authority.

(2) The governing body of the authority shall consist of seven (7) members. Three (3) members shall be appointed by the governor and confirmed by the senate; three (3) members shall be appointed by the mayor of the city of Jacksonville subject to confirmation by the council of the city of Jacksonville. The seventh member shall be the district engineer of the department of transportation serving the second congressional district. Except for the seventh member, members shall be residents and qualified electors of the city of Jacksonville. The five (5) present members of the authority holding office on the effective date of this act shall continue in office until the expiration of their terms as if this act were not in effect, to insure staggered terms, and their successors shall thereafter be appointed by either the mayor or the governor, whichever appointed the retiring member. The mayor and the governor shall, in addition to the five present members, appoint one additional member each, whose successors shall thereafter be appointed by the mayor and governor respectively.

(3) The terms of members hereafter appointed shall be for four (4) years, deemed to have commenced on June 1 of the year in which they are appointed. Each member shall hold office until his successor has been appointed and has qualified. A vacancy during a term shall be filled by the respective appointing authority only for the balance of the unexpired term. One of the members so appointed shall be designated annually by the members as chairman of the authority. The members of the authority shall not be entitled to compensation, but shall be reimbursed for traveling expenses or other expenses actually incurred in their duties as provided by law. Four (4) members of the authority shall constitute a quorum and no resolution adopted by the authority shall become effective unless with the affirmative vote of at least four (4) members. The authority may employ an executive director and may organize the authority into such departments and divisions as it deems necessary. It may appoint department directors, deputy directors, division chiefs, and staff assistants to the executive director. In so appointing, the authority may fix the compensation of those appointees, who shall serve at the pleasure of the authority. The authority may employ such financial advisors and consultants, technical experts, engineers and agents and em-

ployees, permanent or temporary, as it may require and may fix the compensation and qualification of such person, firms or corporations.

History: Amended by Chapter 67-542 and 71-101, Laws of Florida.

Section 349.04 Purposes and Powers.

(1) General.

(a) The authority created and established by the provisions of this chapter is hereby granted and shall have the right to acquire, hold, construct, improve, maintain, operate, own and lease in the capacity of lessor, the Jacksonville expressway system (hereinafter referred to as "system") heretofore partially constructed or acquired by Florida state improvement commission in the Jacksonville, Duval County, metropolitan area, as more specifically described in the proceedings of said Commission which authorized the issuance of twenty-eight million dollars bonds of said commission for said purpose, and as hereafter completed or improved or extended as authorized by this chapter, and all appurtenant facilities, including all approaches, streets, roads, bridges and avenues of access for said Jacksonville expressway system, and to construct or acquire extensions, additions and improvements to said system and to complete the construction and acquisition of said system.

(b) The authority may, in addition, acquire, hold, construct, improve, operate, maintain and lease in the capacity of lessor, a mass transit system employing motor cars or buses, street railway systems beneath, on the surface, or above the surface or any other means determined useful to the rapid transfer of large numbers of people among the locations of residence, commerce, industry and education in the city of Jacksonville.

(c) The authority may further plan, coordinate and recommend to appropriate officers and agencies of federal, state and local government methods and facilities for the parking of vehicles, the movement of pedestrians, and vehicular traffic, public and private, in the city of Jacksonville, to accomplish a coordinated transportation system for the greater Jacksonville area. The authority may construct and operate passenger terminals for the parking of automobiles and movement by public conveyance of persons and construct and operate all other facilities necessary to a complete and coordinated transportation system in the Jacksonville area.

(d) It is the express intention of this chapter that said authority, in completing the construction of said Jacksonville expressway system, shall not be limited to the description thereof contained in said proceedings of said commission which authorized the issuance of twenty-eight million dollars bonds to finance part of the cost thereof, but shall be authorized to construct any additional extensions, additions or improvements to said system, or appurtenant facilities, including all necessary approaches, roads, bridges and avenues of access, with such changes, modifications or revisions of said project as shall be deemed desirable and proper. It is the intent of this chapter, and the legislature determines that bonds issued under this chapter and to effect its purposes are deemed to be state capital improvement bonds to finance or refinance the cost of state capital projects.

History: Amended by Chapter 71-101, Laws of Florida.

(2) The authority is hereby granted, and shall have and may exercise all powers necessary, appurtenant, covenant or incidental to the carrying out of the aforesaid purposes, including, but without being limited to, the following rights and powers:

(a) To sue and be sued, implead and be impleaded, complain and defend in all courts.

(b) To adopt, use and alter at will, a corporate seal.

(c) To acquire, purchase, hold, lease as lessee and use any franchise, property, real, personal or mixed, tangible or intangible, or any interest therein, necessary or desirable for carrying out the purposes of the authority, and to sell, lease as lessor, transfer and dispose of any property or interest therein at any time acquired by it.

(d) To enter into and make leases for terms not exceeding forty years, as either lessee or lessor, in order to carry out the right to lease as set forth in this chapter.

(e) To enter into and make lease-purchase agreements with the state road department for terms not exceeding forty years, or until any bonds secured by a pledge of rentals thereunder, and any refundings thereof, are fully paid as to both principal and interest, whichever is longer.

(f) To fix, alter, charge, establish and collect rates, fees, rentals and other charges for the services and facilities of the Jacksonville expressway system, which rates, fees, rentals and other charges shall always be sufficient to comply with any covenants made with the holders of any bonds issued pursuant to this chapter; provided, however, that such right and power may be assigned or delegated, by the authority, to the state road department.

(g) (1) To borrow money, make and issue negotiable notes, bonds, refunding bonds, and other evidences of indebtedness or obligations, either in temporary or definitive form, (hereinafter in this chapter sometimes called "bonds") of the authority, for the purpose of funding or refunding, at or prior to maturity, any bonds theretofore issued by said authority, or by Florida state improvement commission to finance part of the cost of the Jacksonville expressway system, and purposes related thereto, and for the purpose of financing all or part of the completion or improvement or extension of the Jacksonville expressway system, and appurtenant facilities, including all approaches, streets, roads, bridges and avenues of access for said Jacksonville expressway system and for any other purpose authorized by this chapter, said bonds to mature in not exceeding forty years from the date of the issuance thereof, and to secure the payment of such bonds or any part thereof by a pledge of any or all of its revenues, rates, fees, rentals or other charges, including all or any portion of the Duval county gasoline tax funds received by the authority pursuant to the terms of any lease-purchase agreement between the authority and the state road department; and in general to provide for the security of said bonds and the rights and remedies of the holders thereof.

(2) In the event that the authority shall determine to fund or refund any bonds theretofore issued by said authority, or by said commission as aforesaid prior to the maturity thereof, the proceeds of such funding or refunding bonds shall, pending the prior

redemption of the bonds to be funded or refunded, be invested in direct obligations of the United States, and it is the express intention of this chapter that such outstanding bonds may be funded or refunded by the issuance of bonds pursuant to this chapter notwithstanding that part of such outstanding bonds will not mature or become redeemable until six years after the date of issuance of bonds pursuant to this chapter to fund or refund such outstanding bonds.

(h) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business.

(i) Without limitation of the foregoing, to borrow money and accept grants from, and to enter into contracts, leases or other transactions with any federal agency, the state, any agency of the state, the county of Duval, the city of Jacksonville or with any other public body of the state.

(j) To have the power of eminent domain.

(k) To pledge, hypothecate or otherwise encumber all or any part of the revenues, rates, fees, rentals or other charges or receipts of the authority, including all or any portion of the Duval county gasoline tax funds received by the authority pursuant to the terms of any lease-purchase agreement between the authority and the state road department, as security for all or any of the obligations of the authority.

(l) To do all acts and things necessary or convenient for the conduct of its business and the general welfare of the authority, in order to carry out the powers granted to it by this chapter or any other law.

(m) To borrow money, make and issue negotiable notes, bonds, refunding bonds and other evidences of indebtedness either in temporary or definitive form of the authority for the purpose of funding or refunding the cost of the acquisition of motor or street railway vehicles, passenger terminals, automobile parking facilities, administrative offices, and for any other purposes authorized by this act, said bonds to mature in not exceeding forty (40) years from the date of the issuance thereof, and to secure the payment of such bonds or any part thereof by a pledge of any or all of its revenues, rates, fees, rentals or other charges, and in general to provide for the security of said bonds and the rights and remedies of the holders thereof.

(3) The authority shall have no power at any time or in any manner to pledge the credit or taxing power of the state or any political subdivision or agency thereof, nor shall any of the authority's obligations be deemed to be obligations of the state or of any political subdivision or agency thereof, nor shall the state or any political subdivision or agency thereof, except the authority, be liable for the payment of the principal of or interest on such obligations; provided, however, that this provision shall not be applicable to the type or manner of financing authorized by section 9(c) (5) of article XII of the state constitution, and laws enacted pursuant thereto.

History: Amended by Chapter 71-101, Laws of Florida.

Section 349.041. Plans, Appropriations and Services.

(1) The authority shall prepare and submit annually its requests for such funds as it may require

from the city for the ensuing year to the council of the city on or before June 1 of each year, setting forth its estimated gross revenues and estimated requirements for operations, maintenance expenses and debt service. A copy of such requests shall be furnished to the department of transportation. The council and the mayor of the city of Jacksonville may appropriate such funds as they deem appropriate for the use of the authority.

(2) Except as the council may provide, the authority shall utilize, except as otherwise required by any trust indenture outstanding on the effective date of this act, on a cost accounted basis, the central services of the city, and shall pay therefor. The authority may, however, employ legal counsel it deems necessary, upon resolution of the authority.

Section 349.042. Planning Board Review.

(1) Hearings. Plans for the construction and operation of the expressway and transit functions of the authority shall be submitted to the Jacksonville area planning board for review and comment in accord with requirements herein set out. Two public hearings shall be held by the authority to insure public participation in the process for determining the need for the project contemplated and the location and effect of such project. One hearing shall be conducted before the route location of any expressway or right-of-way for mass transit operations is approved and before the authority is committed to a specific proposal. A second hearing shall be held after the route location has been approved, but before the authority is committed to specific design proposal.

(2) Notice. No such public hearing shall be held until after the authority has published notice thereof, the size of at least one-fourth page in size, inviting the public to be present and heard, in a daily newspaper published in Jacksonville of at least 50,000 circulation, 14 to 30 days in advance of the public hearing to be held. Such notice shall designate the place of hearing and such place of hearing shall be in such school board district as defined by the charter of Jacksonville as the contemplated project can reasonably be expected to affect, provided further that if the contemplated project affects more than one school board district, it shall be held in the city hall.

(3) Planning Board Comment. The Jacksonville area planning board shall review the proposed project and report its comments thereon to the authority thirty (30) days before the first hearing provided by subsection (1) and within sixty (60) days after the second hearing provided by subsection (1).

History: Amended by Chapter 71-101, Laws of Florida.

Section 349.05 Bonds of the Authority.

(1) (a) The bonds of the authority issued pursuant to the provisions of this chapter shall be authorized by resolution of the members thereof and may be either term or serial bonds, shall bear such date, dates, mature at such time or times, not exceeding forty years from their respective dates, bear interest at such rate or rates, not exceeding six per cent per annum, payable semiannually, be in such denominations, be in such form, either coupon or fully registered, shall carry such registration, exchange-

ability and interchangeability privileges, be payable in such medium of payment and at such place or places, be subject to such terms of redemption and be entitled to such priorities on the revenues, rates, fees, rentals or other charges or receipts of the authority including the Duval county gasoline tax funds received by the authority pursuant to the terms of any lease-purchase agreement between the authority and the state road department, as such resolution or any resolution subsequent thereto may provide. The bonds shall be executed either by manual or facsimile signature by such officers as the authority shall determine, provided that such bonds shall bear at least one signature which is manually executed thereon, and the coupons attached to such bonds shall bear the facsimile signature or signatures of such officer or officers as shall be designated by the authority and shall have the seal of the authority affixed, imprinted, reproduced or lithographed thereon, all as may be prescribed in such resolution or resolutions.

(b) Prior to any sale of bonds the authority shall cause notice to be given by publication in some newspaper published in the county that the authority will receive bids for the purchase of the bonds at the office of the authority in the county. Said notice shall be published twice and the first publication shall be given not less than fifteen days prior to the date set for receiving the bids. Said notice shall specify the amount of the bonds offered for sale and shall state that the bids shall be sealed bids, shall give the schedule of the maturities of the proposed bonds and such other pertinent information as may be prescribed in the resolution authorizing the issuance of such bonds or any resolution subsequent thereto. Bidders may be invited to name the rate of interest which the bonds are to bear or the authority may name rates of interest and invite bids thereon. In addition to publication of notice of the proposed sale the authority shall also give notice in writing of the proposed sale enclosing a copy of such advertisement to the State Road Commissioner and to at least three recognized bond dealers in the state, such notice to be given not less than ten days prior to the date set for receiving the bids.

(c) All bonds and refunding bonds issued pursuant to this chapter shall be sold to the highest and best bidder at such public sale unless sold at a better price or yield basis within thirty days after failure to receive an acceptable bid at a duly advertised public sale, provided that the interest cost to the authority on such bonds shall not exceed six per cent per annum, and provided further, that the authority shall have the right to reject all bids and cause a new notice to be given in like manner inviting other bids for such bonds. In determining the highest and best bidder for bonds offered for sale, the net interest cost to the authority as shown in standard bond tables shall govern; provided, that the determination of the authority as to the highest and best bidder shall be final. Pending the preparation of definitive bonds, interim certificates may be issued to the purchaser or purchasers of such bonds, and may contain such terms and conditions as the authority may determine.

(d) The authority may require all bidders for said bonds to give security by bond or deposit to the authority to insure that the bidder shall comply with

the terms of the bid, and any bidder whose bid shall be accepted shall be liable to the authority for all damages on account of the nonperformance of the terms of such bid or to a forfeiture of the deposit required by the authority.

(2) Any such resolution or resolutions authorizing any bonds hereunder may contain provisions which shall be part of the contract with the holders of such bonds, as to:

(a) The pledging of all or any part of the revenues, rates, fees, rentals, (including all or any portion of the Duval county gasoline tax funds received by the authority pursuant to the terms of any lease-purchase agreement between the authority and the State Road Department, or any part thereof), or other charges or receipts of the authority, derived by the authority from the Jacksonville expressway system;

(b) The completion, improvement, operation, extension, maintenance, repair, lease or lease-purchase agreement of said system, and the duties of the authority and others, including the State Road Department, with reference thereto;

(c) Limitations on the purposes to which the proceeds of the bonds, then or thereafter to be issued, or of any loan or grant by the United States or the state may be applied;

(d) The fixing, charging, establishing and collecting of rates, fees, rentals, or other charges for use of the services and facilities of the Jacksonville expressway system or any part thereof;

(e) The setting aside of reserves or sinking funds or repair and replacement funds and the regulation and disposition thereof;

(f) Limitations on the issuance of additional bonds;

(g) The terms and provisions of any lease-purchase agreement, deed or trust or indenture securing the bonds, or under which the same may be issued; and

(h) Any other or additional agreements with the holders of the bonds which the authority may deem desirable and proper.

(3) (a) The State Board of Administration of Florida shall be the fiscal agent of the authority for any bonds issued by the authority pursuant to this chapter, whenever the authority requires the issuance of bonds related to or dependent upon pledging of Duval County gasoline tax funds, but the State Board of Administration need not be the fiscal agent for the authority in the issuance of bonds not related to or dependent upon the pledging of Duval County gasoline tax funds. The authority may enter into deeds of trust, indentures or other agreements with said fiscal agent, or with any bank or trust company within or without the state, with the consent of said board, as security of such bonds, and may, under such agreements, assign and pledge all or any of the revenues, rates, fees rentals, or other charges or receipts of the authority, including all or any portion of the Duval County gasoline tax funds received by the authority pursuant to the terms of any lease-purchase agreement between the authority and the department thereunder. Such deed of trust, indenture or other agreement, may contain such provisions as is customary in such instruments or, as the authority may authorize, including, but without limitation, provisions as to:

(1) The completion, improvement, operation,

extension, maintenance, repair and lease of, or lease-purchase agreement relating to, the Jacksonville expressway system, and the duties of the authority and others, including the department with reference thereto;

(2) The application of funds and the safeguarding of funds on hand or on deposit;

(3) The rights and remedies of the trustee and the holders of the bonds; and

(4) The terms and provisions of the bonds or the resolutions authorizing the issuance of the same.

History: Amended by Chapter 71-101, Laws of Florida.

(b) Any of the bonds issued pursuant to this chapter are, and are hereby declared to be, negotiable instruments, and shall have all the qualities and incidents of negotiable instruments under the law merchant and the negotiable instruments law of the state.

History: Ch. 29996, Laws of Fla., 1955; Ch. 63-272, Laws of Fla.; Ch. 67-461, Laws of Fla.

Section 349.06 Remedies of the Bondholders.

(1) The rights and the remedies herein conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of bonds, or by any lease-purchase agreement, deed of trust, indenture or other agreement under which the bonds may be issued or secured. In the event that the authority shall default in the payment of the principal of or interest on any of the bonds issued

pursuant to the provisions of this chapter after such principal of or interest on said bonds shall have become due, whether at maturity or upon call for redemption, or the state road department shall default in any payments under, or covenants made in, any lease-purchase agreement between the authority and the state road department, and such default shall continue for a period of thirty days, or in the event that the authority or the state road department shall fail or refuse to comply with the provisions of this chapter or any agreement made with, or for the benefit of, the holders of the bonds, the holders of twenty-five per cent in aggregate principal amount of the bonds then outstanding shall be entitled as of right to the appointment of a trustee to represent such bondholders for the purposes hereof; provided, however, that such holders of twenty-five per cent in aggregate principal amount of the bonds then outstanding shall have first given notice of their intention to appoint a trustee, to the authority and to the state road department. Such notice shall be deemed to have been given if given in writing, and deposited in a securely sealed postpaid wrapper, mailed at a regularly maintained United States post office box or station and addressed, respectively, to the chairman of the authority at the principal office of the authority and to the State Road Commissioner at the principal office of the State Road Department.

(2) Such trustee, and any trustee under any deed of trust, indenture or other agreement, may, and upon written request of the holders of twenty-five per cent (or such other percent-

Ed. Note: There are no pages numbered 128 through 132 inclusive.

THE JACKSONVILLE PORT AUTHORITY

Chapter 63-1447, Laws of Florida

The Jacksonville Port Authority was created in 1963 by Chapter 63-1447, Laws of Florida, and unless shown in particular sections as amended by later acts, it is that act which is the source of this version of the law. The act's principal effect was to transfer from the former City of Jacksonville to the independent Port Authority all of the docks and terminals, land, and persons employed in the former city's port operation.

In 1968, with the consolidation of Duval County and the City of Jacksonville, the Port Authority was expanded by Chapter 67-1533, which transferred city airports to the Authority, and modified certain operational and budgetary practices to conform to the consolidation of the new City of Jacksonville.

Editor

Section 1. (a) Authority established. There is hereby created and established a body politic and corporate to be known as the Jacksonville Port Authority (hereinafter referred to as the Authority), and which is hereby authorized to exercise its jurisdiction, powers and duties within the territorial limits of Duval County.

(b) **Authority members.** The governing body of the Authority shall consist of seven members, four of whom shall be appointed by the Governor of Florida with the confirmation of the senate, and three of whom shall be appointed by the mayor of Jacksonville with the confirmation of the City Council. Members shall serve for terms of four years commencing on October 1st of the year of the appointment or for the unexpired portion of a term deemed to have commenced on October 1st. Members shall continue to serve until their respective successors are appointed. A vacancy occurring during a term of an appointed Member shall be filled only for the balance of the unexpired term. Members shall serve in staggered terms to provide continuity of experience to the Authority, and insofar as practicable, shall be appointed alternately by the Mayor and Governor. To provide such an order of appointment, Members terms held on May 1, 1970, shall be succeeded in the following manner:

(1) The Member term expiring on June 30, 1970, is extended to September 30, 1970, and shall thereafter be filled by appointment by the Mayor for a four year term commencing October 1, 1970, and on each fourth anniversary thereafter.

(2) The two Members terms expiring on June 30, 1971, are extended to September 30, 1971, and shall then be filled by appointment by the Governor. One of the appointments shall be for two years, and the other shall be for four years, both commencing October 1, 1971. Thereafter all appointments succeeding these terms shall be for four years, appointed by the Governor on each fourth anniversary of the preceding appointment.

(3) The Member term expiring on June 30, 1972, is extended to September 30, 1972, and shall thereafter be filled by appointment by the Governor for a four year term commencing October 1, 1972, and on each fourth anniversary thereafter.

(4) The Member term expiring on June 30, 1973, is extended to September 30, 1973, and shall then be filled by appointment of the Governor for a one year term commencing on October 1, 1973, and thereafter for a four year term commencing October 1, 1974, and on each fourth anniversary thereafter.

(5) The two Member terms expiring on September 30, 1973, shall be filled by the Mayor. One appointment shall be for two years and the other shall be for four years, both commencing October 1, 1973. Thereafter, terms succeeding shall be for four years each, appointed by the Mayor on each fourth anniversary of the preceding appointment.

(c) **Proceedings of the Authority.** The Authority shall elect a chairman, vice-chairman, secretary, and treasurer from its members. The Authority may elect an assistant secretary and assistant treasurer, who need not be members thereof, to perform such duties as the Authority may direct. Five (5) members of the Authority shall constitute a quorum, but at least four (4) members of the Authority must approve any action to be taken by the Authority. Resolutions adopted by the vote of at least four (4) members of the Authority shall become effective without further action by the Authority. Each member of the Authority shall have one (1) vote. The yeas and nays shall be called and entered upon the minutes of each meeting upon the passage of every resolution or other action of the Authority. The Authority may meet at such times and places designated by it but shall hold regular meetings at least once a month. Special meetings may be called upon the call of its chairman or any three (3) members of the Authority. The members of the Authority shall not be entitled to compensation but members and employees shall be entitled to payment of reasonable expenses as provided by the council of the City of Jacksonville.

History: Amended by Chapter 71-698, Laws of Florida.

(d) The Authority shall employ and fix the compensation of a managing director who shall manage the affairs of the Authority under the supervision and control of the Authority. The Authority may employ such engineers, attorneys, certified public accountants, consultants and employees as said Authority may require, and fix and pay their compensation. The Authority may use any of the services available to governmental units through the Department of Central Services of the City of Jacksonville, but is not required by law to do so. Such use shall be on a voluntary and contractual basis on the part of both the Authority and the City and the Authority is authorized to pay the City reasonable and fair compensation for such services so furnished by the City and used by the Authority. The use by the Authority of any such services furnished by the City shall not obligate the Authority except to the extent it contracts with the City, nor otherwise subject the Authority to any rules, regulations or ordinances of said City not otherwise applicable to the Authority under this Act and the Charter of said City. The Authority may delegate to one (1) or more of its agents or employees such of its powers as it may deem necessary to carry out the purposes of this

Act, subject always to the supervision and control of the Authority, and may do any and all things necessary to accomplish the purposes of this Act. The fiscal year of the Authority shall end on September 30 of each year.

History: Amended by Chs. 67-1536, 67-1533, 70-674, and 70-1002, Laws of Florida, effective December, 1970.

Section 2. In the interpretation hereof the following words and terms shall be taken to include the following meanings shall require or permit:

(a) the term "Authority" shall mean the body politic and corporate created by this act.

(b) The term "County" shall mean the County of Duval.

(c) The terms "city" or "city of Jacksonville" shall mean the consolidated government of the city of Jacksonville created pursuant to section 9 of article VIII of the Constitution of the state of Florida.

History: Subsection 2(c) was amended by Ch. 67-1533.

(d) The term "Federal Agency" shall mean and include the United States, the President of the United States, and any department of, or corporation, agency or instrumentality thereof heretofore or hereafter created, designated, or established by the United States.

(e) Words importing singular number shall include the plural number in each case and vice versa, and words importing persons shall include firms and corporations.

(f) The word "project" shall embrace any one or any combinations of two (2) or more of the following, to-wit: facilities for the construction, manufacture, repair or maintenance of ships and other facilities, directly or indirectly related to the promotion and development of waterborn commerce, and other harbor, port, shipping and airport, facilities of all kinds, including, but not limited to, harbors, channels, turning basins, anchorage areas, jetties, breakwaters, water ways, canals, locks, tidal basins, wharves, docks, piers, slips, bulkheads, public landings runways, taxiways, warehouse, terminals, refrigerating and cold storage plants, railroads and air and motor terminals for passengers and freight, rolling stock, car ferries, boats, airplane, conveyors and appliances of all kinds for the handling, storage, inspection and transportation of freight and the handling of passenger traffic, mail, express and freight, administration and service buildings, toll highways, tunnels, causeways, and bridges connected therewith or incident or auxiliary thereto, and may include all property, structures, facilities, rights, easements and franchises relating to any such project and deemed necessary or convenient for the

acquisition, construction, purchase, or operation thereof.

History: Ch. 63-1447; Ch. 67-1303; and Ch. 67-1533, Laws of Fla.

(g) The term "cost" as applied to improvements shall mean the cost of constructing or acquiring improvements as hereinabove defined and shall embrace the cost of all labor and materials, the cost of all machinery and equipment, financing charges, cost of engineering and legal expenses, plans, specifications, and such other expenses as may be necessary or incident to such construction or acquisition.

(h) The term "cost" as applied to a project acquired, constructed, extended or enlarged, shall include the purchase price of any project acquired, the cost of improvements, the cost of such construction, extension or enlargement, the cost of all lands, properties, rights, easements and franchises acquired, the cost of all machinery and equipment, financing charges, interest during construction and, if deemed advisable, for one year after completion of construction, cost of investigations, and audits and of engineering and legal services, and all other expenses necessary or incident to determining the feasibility or practicability of such acquisition or construction, administrative expense and such other expenses as may be necessary or incident to the financing herein authorized and to the acquisition or construction of a project and the placing of the same in operation. Any obligation or expense incurred by the Authority prior to the issuance of revenue bonds under the provision of this act for engineering studies and for estimates of cost and of revenues and for other technical, financial or legal services in connection with the acquisition or construction of any project may be regarded as a part of the cost of such project.

Section 3. Powers. The Authority shall have the specific powers, in addition to other powers otherwise conferred:

(1) To construct, acquire, establish, improve, extend, enlarge, reconstruct, re-equip, maintain, repair and operate any project as herein defined;

(2) Subject to the jurisdiction of the United States of America and the state of Florida, to construct, establish and improve harbors within the county, to improve navigable waters within the county, and to construct and maintain canals, slips, turning basins and channels, all upon such terms and conditions as may be required by the United States of America and the state of Florida;

(3) To acquire for any project authorized by this act by grant, purchase, gift, devise, con-

demnation by eminent domain proceedings, exchange or in any other manner, all property, real or personal, or any estate or interest therein, upon such terms and conditions as the Authority shall by resolution fix and determine. The right of eminent domain herein conferred shall be exercised by the Authority in the manner provided by law;

(4) To issue revenue bonds, payable solely from revenues, to pay all or a part of the cost of acquisition, construction, extension, enlargement, improvement or modernization of any project, and to pledge the revenues to secure the payment of bonds, but such bonds shall not bear interest to exceed six per centum (6%) per

annum;

(5) To enter into joint arrangements with air lines, steamship lines, railroads or other transportation lines, or any common carrier, if the authority shall deem it advantageous so to do.

History: This subsection was amended by Ch. 67-1533.

(6) To make and enter into all contracts and agreements and to do and perform all acts and deeds necessary and incidental to the performance of its duties and the exercise of its powers; to make and execute leases or agreements for the use and occupation of the property and projects under its control on

such terms, conditions and period of time as the Authority may determine, provided, however that any lease or agreement, as aforesaid, for a period exceeding ten years (10) shall be first authorized and approved by the affirmative vote of not less than five (5) members of the authority and to sell and dispose of such property and projects as shall no longer be needed for the uses and purposes of the Authority on such terms and conditions as shall be prescribed by resolution of the Authority, provided, however, that before disposing of any real property which was acquired from either the city or county under the provisions of this act, the Authority shall give written notice to the governmental unit from which such real property was acquired. If said governmental unit desires to accept a reconveyance of said real property, it shall give the Authority written notice of such intention within thirty (30) days from the date of mailing of the Authority's notice regarding the disposal of such property and the Authority shall make the reconveyance of such property to said governmental unit forthwith. If within such thirty (30) days said governmental unit does not notify the Authority in writing of a desire to accept a reconveyance of said property, or refuses to accept a reconveyance of same, the Authority may sell and dispose of same on such terms and conditions as shall be prescribed by resolution of Authority.

(7) To the extent permitted by law to fix, regulate and collect rates and charges for the services and facilities furnished by any project under its control, to establish, limit and control the use of any project as may be deemed necessary to insure the proper operation of the project; to impose sanctions to promote and enforce compliance with any rule or regulation which the Authority may adopt in the regulation of the ports, harbors, wharves, docks and other projects under its control;

(8) To fix the rates for wharfage, dockage, warehousing, storage, landing and port and terminal charges for the use of the airport and harbor facilities owned or operated by the authority.

History: Subsection (8) amended by Ch. 67-1533, Laws of Fla.

(9) To solicit air carriers, shipping lines, and other businesses and to do all things necessary or advisable to promote commerce and increase passenger traffic and freight tonnage through the port and airports operated by the authority and, further, to publicize, advertise and promote the activities and projects authorized by this act and to promote the objects of said authority in the manner set forth by resolution of said authority; to make known to the users, potential users, and public in general the advantages, facilities, resources, products, attractions and attributes of the activities and projects authorized by this act; to further create a favorable climate of opinion concerning the activities and projects authorized and

indicated by this act; to cooperate, including expenditure of funds, to and with other agencies, both public and private, in accomplishing the purposes enumerated and indicated by this act; and in furtherance thereof, to 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 the authority, the authority may reimburse such member or employee therefor, but only after such expenditures have been duly authorized by the authority.

History: Subsection 9 was amended by Ch. 67-1301 and Ch. 67-1533, Laws of Fla.

(10) To receive and accept from any Federal or state agency, grants for or in aid of the construction, improvement or operation of any project and to receive and accept contributions from any source of either money, property, labor or other things of value;

(11) To make any and all applications required by the Treasury Department and other departments or agencies of the United States Government as a condition precedent to the establishment within the county of a free port, foreign trade zone or area for the reception from foreign countries of articles of commerce and to expedite and encourage foreign commerce, and the handling, processing and delivery thereof into foreign commerce free from the payment of custom duties and to enter into any agreements required by such departments or agencies in connection therewith and to make like applications and agreements with respect to the establishment within said county of one or more bonded warehouses;

(12) To enter into any contract with the state of Florida, the Government of the United States or any agency of said governments, which may be necessary in order to produce assistance, appropriations and aid for the deepening, widening and extending of channels and turning basins, and building and construction of slips, wharves, breakwaters, jetties, bulkheads and any and all other harbor and navigation improvements and facilities;

(13) To make or cause to be made such surveys, investigations, studies, borings, maps, plans, drawings and estimates of cost and revenues as it may deem necessary, and may prepare and adopt a comprehensive plan or plans, for the location, construction, improvement and development of any project;

(14) To grant exclusive or non-exclusive franchises to persons, firms or corporations for the operation of restaurants, cafeterias, bars, cigar and cigarette stands, news stands, busses, taxicabs, vending machines, hotels, motels, service stations, and other concessions in, on and in connection with any project owned and operated by the Authority. In granting such

franchises it shall be the duty of the Authority to investigate and consider the qualifications and ability of the lessee or concessionaires to provide or perform the contemplated services for the public using the facilities and the revenues which will be derived therefrom by the Authority and to exercise sound prudent business judgment on behalf of the Authority with respect thereto, calling for bids when practicable and when the interests of the public will best be served by such action;

(15) To enter into contracts with utility companies or others for the supplying by said utility companies or others of water, electricity and/or telephone service to or in connection with any project;

(16) To pledge by resolution or contract the revenues arising from the operation of any project or projects owned and operated by the Authority to the payment of the cost of operation, maintenance, repair, improvement, extension and/or enlargement of the project or projects from the operation of which such revenues are received and for the payment of principal and interest on bonds issued in connection with any such project or projects, and to combine for financing purposes any two or more projects constructed or acquired by the Authority under the provisions of this act. In any such case the Authority may adopt separate budgets for the operation of such project or projects. In every such case such revenues shall be expended exclusively for the payment of the costs of operation, maintenance, repair, improvement, extension and enlargement of the project or projects from the operation of which such revenues arise, for the performance of the authority's contracts in connection with such project or projects, and for the payment of principal and interest requirements of any bonds issued in connection with the project or projects. Any surplus of such funds remaining on hand at the end of any year shall be carried forward and may be expended in the succeeding year for the payment of the costs of operation of such project or projects or for the repair, improvement and/or extension thereof as the Authority may determine, unless such surplus has been pledged for the payment of principal and interest on bonds, as authorized in subparagraph (17) of this section, in which event any such surplus shall be applied in accordance with the resolution pledging the same.

(17) (a) The Authority is authorized to issue general obligation bonds or revenue bonds of said Authority for the purpose of paying all or a part of the cost of any one or more projects as herein defined, including the cost of enlargement, expansion and/or development of such project whether the property used therefor has previously been acquired or not, and the cost of removing therefrom and/or relocating or reconstructing at another location any buildings, structures or facilities, which in the opinion of such Authority constitute obstructions or hazards to the safe or efficient operation of any such project, and for the purpose of paying off

and retiring any bonds issued or assumed under the provisions of this act.

(b) The bonds of each issue shall be authorized by resolution of the Authority and shall be dated, shall bear interest at such rate or rates not exceeding six per centum (6%) per annum, shall mature at such time or times not exceeding forty years from their date or dates, as may be determined by the Authority, and may be made redeemable before maturity, at the option of the Authority, at such price or prices and under such terms and conditions as may be fixed by the Authority prior to the issuance of the bonds. The Authority shall determine the form of bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the state. The resolution authorizing the issuance of the bonds shall contain such provisions relating to the use of the proceeds from the sale of the bonds and for the protection and security of holders of the bonds, including their rights and remedies, and the rights, powers, privileges, duties and obligations of the Authority with respect to the same, as shall be determined by the Authority. In case any officer whose signature or facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All bonds issued under the provisions of this act 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 bonds may be issued in coupon or in registered form, or both, as the Authority may determine, and provisions may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The issuance of such bonds shall not be subject to any limitations or conditions contained in any other law.

(c) Prior to any sale of bonds the Authority shall cause notice to be given by publication in some daily newspaper published and having a general circulation in the county that the Authority will receive bids for the purchase of the bonds at the office of the Authority in the county. Said notice shall be published twice and the first publication shall be given not less than fifteen (15) days prior to the date set for receiving the bids. Said notice shall specify the amount of the bonds offered for sale and shall state that the bids shall be sealed bids, shall give the schedule of the maturities of the proposed bonds and such other pertinent information as may be prescribed in the resolution authorizing the issuance of such bonds or any resolution subsequent thereto. Bidders may be

invited to name the rate or rates of interest which the bonds are to bear or the Authority may name rates of interest and invite bids thereon. In addition to publication of notice of the proposed sale the Authority shall also give notice in writing of the proposed sale enclosing a copy of such advertisement to the chairman of the Florida Development Commission and to at least three (3) recognized bond dealers in the state, such notices to be given not less than ten (10) days prior to the date set for receiving the bids.

(d) All bonds and refunding bonds issued pursuant to this chapter shall be sold at public sale and shall be awarded to the bidder whose bid produces the lowest net interest cost to the Authority. The net interest cost of bids shall be determined by taking the aggregate amount of interest at the rate or rates specified in the bids, computed from the date of the bonds to the date of the various stated maturities thereof, and deducting therefrom the amount of any premium offered in excess of the par value of the bonds or adding thereto the amount of any discount offered below the par value of the bonds, with interest computed on a 360-day year basis. The Authority shall reserve the right to reject any or all bids. In no event shall said bonds be sold at a net interest cost to the Authority in excess of six per cent (6%) per annum. Pending the preparation of definitive bonds, interim bonds may be issued to the purchaser or purchasers of bonds, and may contain such terms and conditions as the Authority may determine.

(e) The Authority shall require all bidders for said bonds to enclose a certified or bank cashier's check, in the amount of two (2) per cent of the total par value of the bonds offered for sale, drawn on an incorporated bank or trust company payable unconditionally to the order of the Authority as a guarantee of good faith in the performance of each bid; the checks of the unsuccessful bidders shall be returned immediately upon the award of the bonds and the check of the successful bidder shall be retained by the Authority and credited against the full purchase price of the bonds at the time of delivery or retained as and for liquidated damages in case of the failure of such bidder to fulfill the terms of his bid.

(f) No general obligation bonds shall be issued hereunder unless the issuance of such bonds shall have been approved by a majority of the votes cast in an election in which a majority of freeholders residing in Duval county who are qualified to vote in such election shall participate. Whenever the authority by resolution requests the board of county commissioners of Duval county to hold such an election, said board shall on behalf of the authority, hold, conduct, canvass and announce the results of such election in accordance with the procedure prescribed by law for the issuance of county bonds. The expenses of such election shall be paid by the authority. In no event shall such general obligation bonds be construed or considered to be bonds of the county of Duval or of the city of Jacksonville or any other municipality in Duval county but shall be solely bonds of said authority. If the resolution of the authority requests said board of county commissioners as a prerequisite to holding such bond

election to provide for a special registration of freeholders who shall be qualified to participate in such election, the board of county commissioners shall provide for such special registration of qualified electors who are freeholders in Duval county in the same manner provided by law for the special registration of freeholders in county bond elections. The expenses of conducting such special registration shall be borne by the authority. The total principal amount of such general obligation bonds issued by the authority shall not exceed the sum of twenty-five million dollars (\$25,000,000.00).

History: Paragraph (f) was amended by Ch. 65-1726, Laws of Fla.

(g) In the event any such general obligation bonds are issued by the Authority, it shall immediately upon the receipt of the proceeds of such issue, call and pay the outstanding revenue bonds issued and delivered to the city of Jacksonville as described in section 11 of this act.

(18) To borrow money and to issue notes for any purpose or purposes for which bonds may be issued under the provisions of this act and to refund the same; to issue notes in anticipation of the receipt of the proceeds of the sale of any such bonds.

(19) To do all other acts and things necessary or proper in the exercise of the powers herein granted.

Section 4. Budget and Finance. The fiscal year of the Authority shall commence on October 1 of each year and end on the following September 30. The Authority shall prepare and submit its budget to the Council of the City of Jacksonville on or before July 1 for the ensuing fiscal year. In transition, the first budget of the Authority submitted after the effective date of this act shall be for the three (3) month period commencing July 1, 1970 through and including September 30, 1970, and shall be accompanied by a supplemental annual budget covering the period commencing October 1, 1970 and ending September 30, 1971. The Council may increase or decrease the appropriation requested by the Authority on a total basis or a line by line basis, subject to the following limitations:

(a) The appropriation for construction, reconstruction, enlargement, expansion, improvement or development of any project or projects authorized to be undertaken by the authority, shall not be reduced below eight hundred thousand dollars (\$800,000.00)

(b) The council shall appropriate to the authority from the proceeds of an annual tax on all taxable real and personal property in the city which is chargeable for such payments an amount fixed by the authority and certified to the council sufficient to meet the sinking fund requirements for the payment of the interest and principal on any general obligation bonds issued or assumed by the authority as the same become due.

History: The original section 4 was amended by Ch. 65-1472, Laws of Fla., and completely revised in Ch. 67-1533, Laws of Fla., effective on October 1, 1969.

Section 5. Additional Powers. The Authority shall have power to adopt, use and alter at will a corporate seal; to sue and be sued, implead and be impleaded, complain and defend in all courts; to exercise the power of eminent domain to acquire property for any

of its authorized purposes including the taking of such property ancillary to said power in the manner from time to time provided by the laws of the state of Florida; to accept grants, gifts and donations; and to enter into contract, leases or other transactions with any Federal agency, the state, any agency of the state, the county of Duval, the city of Jacksonville or with any other public body of the state.

Section 6. Rules and Regulations. The Authority shall have power to adopt rules and regulations with reference to all projects and matters under its control. All rules and regulations promulgated and all impositions and exactions made by authority hereof shall be just and reasonable and consistent with public interest, and their application shall be subject to review by certiorari in any court of proper and competent jurisdiction. All rules and regulations of the Authority shall be a matter of public record and copies thereof shall be dispensed by the Authority at cost to all applicants therefor.

Section 7. Refunding Bonds. Subject to the restrictions contained in subparagraphs (17) (b) (c) (d) and (e) of section 3 of this act, the Authority shall have power to provide for the issuance of refunding bonds of the Authority for the purpose of refunding any revenue bonds or general obligation bonds, or any combination of general obligation or revenue bonds, then outstanding which have been assumed by the Authority or issued for the purpose of financing the cost of making enlargements, extensions and improvements to any project acquired, constructed or operated under the provisions of this act. Said Authority is further authorized to provide for the issuance of revenue bonds or general obligation bonds, or any combination thereof, of the Authority for the combined purpose of (a) paying the cost of enlargement, extension, reconstruction or improvement of any project or combination of projects and (b) refunding revenue bonds or general obligation bonds, or any combination thereof, which have been assumed by the Authority or theretofore have been issued by the Authority under the provisions of this act and shall then be outstanding and which shall then have matured or be subject to redemption or can be acquired for retirement. The issuance of such bonds, the maturities or other details thereof, the rights or remedies of the holders thereof, and the rights, powers, privileges, duties and obligations of the Authority with respect to the same shall be set forth in the resolution of the Authority authorizing the issuance of such bonds.

Section 8. Bonds Eligible for Legal Investments. Notwithstanding any provisions of any other law or laws to the contrary, all revenue bonds, general obligation bonds, or any combination of general obligation or revenue bonds, including refunding bonds, issued pursuant to this act shall constitute legal investments for savings banks, 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.

Section 9. Provision for Immediate Funds. The Authority is hereby authorized and empowered to borrow money in a total amount not to exceed Two Hundred Thousand Dollars (\$200,000.00) for a period or periods not exceeding one year, and to issue its promissory notes therefor, upon such terms, and at such rate or rates of interest, not exceeding six per centum (6%) per annum as the Authority may deem advisable in order to provide itself with immediate funds for the purpose of administering and operating the Authority until the initial tax levy provided for is available, and may pledge for the payment of said promissory notes all or any part of the revenues anticipated to be received by the Authority from such tax levy.

Section 10. Transfer of City and County Projects. The city of Jacksonville shall transfer to the Authority the physical properties of the municipal docks and terminals of the city of Jacksonville, all contracts and leases with respect thereto which shall be assumed by the Authority and become the leases and contracts of the Authority, and including the municipal docks and terminals railroad and physical property thereof subject to the approval of the interstate commerce commission as to the terms and provisions thereof. Claims and suits by and against the city arising out of its ownership and operation of the municipal docks and terminals shall not be transferred to the Authority. Accounts receivable and accounts payable and cash on hand of the municipal docks and terminals at the date of transfer shall remain the property and obligations of the city, and all operating expenses, including taxes of all kinds, and all rents and other revenues accruing with respect thereto shall be pro rated as of the

date of transfer. In making such transfer the city shall retain the necessary easements for its existing sewer, drainage, water and electric utilities located on said properties and the right to continue to operate and maintain its existing

firefighting facilities on said properties, including ingress and egress thereto. The county of Duval shall transfer to the Authority the property owned by Duval County generally known as Blount Island. The conveyance by the

city to the Authority shall be executed by the mayor-commissioner as chairman of the city commission, and the secretary of the city commission, with the corporate seal of the city commission affixed thereto and any such contract or conveyance by the county to the Authority shall be executed in the manner provided by law. At the time of such conveyance, the Authority shall deliver to the city in payment therefor, revenue bonds of the Authority, authorized pursuant to the provisions of this act, dated not later than the date of delivery in the aggregate principal amount of one million five hundred forty thousand dollars (\$1,540,000.00), bearing interest at a rate of four per cent (4%) per annum, maturing serially not exceeding twenty-five (25) years from their date, the first principal serial maturity being twenty-four (24) months from the date of such revenue bonds and in the principal amount of not less than fifty thousand dollars (\$50,000.00) and thereafter said revenue bonds shall mature annually in principal amounts of not less than fifty thousand dollars (\$50,000.00) per year; interest to be paid semiannually and evidenced by coupons attached to said revenue bonds; and said revenue bonds to be redeemable prior to maturity at par and accrued interest. The principal of and interest on such revenue bonds shall be payable solely from the net revenues derived from the operation of such facilities transferred by the city to the Authority, as hereinabove provided. Any net revenues of such facilities in excess of the amounts required in each year to pay the principal of and interest on such revenue bonds, reasonable reserves therefor and reasonable amounts for renewals and replacements may be used by the Authority for the payment of other obligations thereof or for any other lawful purpose. The said conveyance by the county to the Authority shall be completed within ninety (90) days after this act becomes law. The said conveyance by the city to the Authority shall be completed within thirty (30) days after the date on which the Authority gives written notice to the city that the Authority is ready to deliver the said revenue bonds to the city. Prior to the delivery of said revenue bonds to the city, the Authority shall obtain a final decree in the circuit court in and for Duval County validating and confirming said revenue bonds as valid and binding obligations of the Authority.

All moneys received by the city from the Authority in payment of said bonds shall be placed in the sinking fund for the retirement of the outstanding city of Jacksonville municipal docks and terminals exchange bonds, issue of 1941, until such time as the same are fully paid, and thereafter such moneys shall be placed in an appropriate fund for the making of such capital improvements by the city as shall be authorized by the city commission and the city council of said city.

On October 1, 1968, all of the right, title, and interests of the city of the municipal airports,

including all airport lands, buildings, structures, furniture, fixtures, machinery, equipment, books, records, contracts, leases and all other real and personal property of any kind or nature which is related to the operation of said municipal airports shall be assigned, transferred, set over and conveyed to the authority, and the city shall thereupon execute and transmit to the proper officers of the authority all necessary documents and papers to consummate the conveyance and transfer of the municipal airports to the authority. All contracts and leases relating to the municipal airports shall become the leases and contracts of the authority. Claims and suits by and against the city arising out of its ownership and operation of the municipal airports shall become claims and suits by or against the authority. Accounts receivable and accounts payable and cash on hand of the municipal airports at the date of transfer shall be transferred to the authority; and all operating expenses, including taxes of all kinds and all rents and revenues accruing with respect thereto shall be pro rated as of the date of transfer.

All bonds issued by the former City of Jacksonville for the use of the municipal airports prior to October 1, 1968, shall become the indebtedness of the authority. However, repayment of such bonds shall only be made from and charged against the same sources from which such repayment would have been made prior to the effective date of this act. When tax assessments are required to meet the debt service requirements of any general obligation bonds issued by the former City of Jacksonville to finance municipal airport construction, improvement or operation such tax assessment shall be imposed only upon property which is located in the area which was assessable for the payment of such general obligation bonds immediately prior to the effective date of this act. In the event any existing bonds issued by the former City of Jacksonville prior to the effective date of this act are refunded by the authority pursuant to Section 7 or Chapter 63-1447, Laws of Florida, as amended, the debt service requirements on such refunding bonds shall be charged against and payable from only the same sources as the bonds which they refunded. All revenues of said Airports shall be applied and used by the Authority in accordance with the provisions of Ordinance No. FF-253, Bill No. FF-296 of the former City of Jacksonville, Florida, so long as and to the extent the terms, covenants and provisions of said Ordinance and Bill are in effect. However, nothing herein shall preclude the issuance of other bonds as authorized under Chapter 63-1447, Laws of Florida, Special Acts of 1963, as amended, provided such bonds do not violate the terms, conditions and covenants of any bond resolutions or ordinances of the former City of Jacksonville or the Jacksonville Port Authority.

History: The last two paragraphs of section 10 were added by chapter 67-1533, Laws of Fla. The last paragraph of section 10 was amended by chapter 70-677, Laws of Fla.

Section 11. Rights of City Employees Preserved.

(a) **Rights of City Employees.** When the municipal docks and terminals of the City of Jacksonville shall be transferred and conveyed by the city to the authority under the provisions of this act, all employees of the city in the municipal docks and terminals department shall become and be employees of the Authority; provided, however, that none of said employees shall lose any rights or benefits of any kind whatsoever afforded them by the laws of the city relating to pension funds, civil service and statutory service raises, and such rights and benefits are hereby preserved to said employees.

Each of said employees who is a member of a city pension fund shall continue as a member of said fund and shall make the required employee contribution thereto and the authority shall make and is hereby authorized and required to make the matching contribution thereto. The city shall set up a segregated account in any pension fund of which said employees are members which shall consist of all contributions made by said employees to said pension fund and all matching contributions made on behalf of said employees to said pension fund, together with interest thereon at the rate of three per centum (3%) per annum from the date on such contributions to said pension fund, and the monies in said segregated account shall be used for the purpose of providing the benefits to which said employees who are members of said pension fund become entitled under the pension fund law governing said pension fund. Said segregated account in any pension fund shall remain in existence until there is no further liability for payment of benefits therefrom. Should the monies in said segregated account be insufficient at any time to pay the pension benefits as the same become payable, such benefits shall be paid from the pension fund in which said segregated account was set up, and the authority shall and is hereby authorized and required to reimburse the city upon demand by the city, for the use and benefit of said pension fund, a pro rata share of any and all sums of money which the city has paid from said pension fund by reason of insufficiency of monies in said segregated account therein to pay said pension benefits. The pro rata share which the authority is required to reimburse the city shall bear the same proportion to the total amount which the city shall pay from said pension fund, by reason of such insufficiency in said segregated account therein, as the years of service of each such employee with the authority bears to the total combined years of service of such employee with the authority and with the city as a member of said pension fund; except that the authority shall not be required to reimburse the city any pro rata share of money which the city shall pay from said pension fund by reason of any such insufficiency in said segregated account therein to pay said pension benefits to any such employee having twenty-five (25) or more years of time service credit in said pension fund at

the time the municipal docks and terminals are transferred to the authority.

Each of said employees shall retain all civil service rights to which he is or shall become entitled under the civil service law now and from time to time applicable to the city, and shall be subject to and entitled to the benefits of such civil service law so long as he remains an employee of the authority. The authority shall not change the classification plan for said employees established under the civil service law of the city, nor abolish the position of any such employee, nor reduce the salary of any such employee, nor suspend, dismiss, demote or promote any such employee except in accordance with the civil service law of the city and with the approval of the civil service board of the city, in actions and proceedings wherein the authority shall act as the appointing authority.

All former employees of the city in the municipal docks and terminal department who shall become or become employees of the authority under the provisions of this Act may be re-employed by the city under the act governing the civil service law of the city without the loss of any rights or benefits of any kind whatsoever afforded them by the laws of this city relating to pension funds, civil service, statutory service raises, and may be transferred from the authority to the city as now provided for transfer from one position to another position in the same class of the city civil service act with the consent of this authority and the appointing authority of the city.

Each of such employees who are transferred from the payroll of the city to the payroll of the authority, without interruption in service, shall be entitled to the benefits of and shall receive and continue to receive from the authority the statutory service raises to which he is entitled under the statutory service raise law applicable to the city; and the authority is hereby required and authorized to make such payments.

(b) **Right of Employees to Transfer to Pension Fund of Authority.** All former employees of the city in the municipal docks and terminals department who shall become and be employees of the authority under the provisions of this act shall, at the option of each of said employees have the right to become members of any pension fund established by the authority or any state pension fund which may by operation of law be applicable to employees of the authority. If such an employee exercises his option to join a pension fund established by the authority or applicable to employees of the authority, such employee shall give up his rights as a member of a city pension fund and all amounts held in such fund for the benefits of such employee shall be transferred to the pension fund of the authority.

History: Subsections (a) and (b) were amended by Ch. 65-1459, Laws of Fla.

(c) All employees of the authority who became employees of the authority with the transfer and conveyance of the municipal docks and

terminals by the city to the authority shall be employed subject to the following:

(1) Each of said employees shall have and retain all civil service rights under the civil service law now and from time to time applicable to the city and shall be subject to and entitled to the benefits of said civil service law so long as he remains an employee of the authority. The authority shall not set or change the classification plan for said employees established under the civil service law of the city, nor abolish the position of any such employee, nor reduce or set the salary of any such employees, nor suspend, dismiss, demote or promote any such employee except in accordance with the civil service law of the city and with the approval of the civil service board of the city, in actions and proceedings wherein the authority shall act as the appointing authority.

(2) Each of said employees shall receive at the end of each five years of continuous service with the Jacksonville port authority an increase in salary to be known as a "Service Raise," which shall be in addition to any general or special raises which might be granted. Such service raises shall be in the amount of twenty dollars (\$20.00) per month for every five years of continuous service.

(3) Each of said employees shall be entitled to the benefits of and shall receive and continue to receive from the authority the statutory service raises to which he is entitled under the statutory service raise law applicable to the city; and the authority is hereby required and authorized to make such payments; provided that no service raises as provided by this act shall be retroactive, and such service raises shall take effect only at the time this act becomes effective and thereafter, and no such service raises shall exceed in the aggregate amount a total of more than twenty dollars (\$20.00) per month for every five years of continuous service of any employee affected.

(4) Each of said employees shall have and retain all benefits and rights now and from time to time applicable under city of Jacksonville ordinances, codes, and commission resolutions to city employees relating to:

- (a) Terminal leave pay benefits;
- (b) Sick leave benefits;
- (c) Vacation privileges;
- (d) Service raises;

provided that such benefits shall take effect upon the effective date of this act and shall not be retroactive.

History: Subsection (c) was added by Ch. 67-1542, Laws of Fla.

Transfer of Airports. Ed. Note: The following 6 paragraphs of section 11 were added by Ch. 67-1533, Laws of Fla., effective October 1, 1968.

When the municipal airports of the city of Jacksonville shall be conveyed by the city to the authority under the provisions of this act, all employees of the municipal airports shall become and be employees of the authority; pro-

vided, however, that none of said employees shall lose any rights or benefits of any kind whatsoever afforded them by the laws of the city relating to pension funds, civil service and statutory service raises, and such rights and benefits are hereby preserved to said employees.

Each of said employees who is a member of a city pension fund shall continue as a member of said fund and shall make the required employees contribution thereto, and the authority shall make and is hereby authorized and required to make the matching contribution thereto. The city shall set up a segregated account in any pension fund of which said employees are members which shall consist of all contributions made by said employees to said pension fund and all matching contributions made on behalf of said employees to said pension fund, together with interest thereon at the rate of three (3) per centum per annum from the date of such contributions to said pension fund, and the monies in said segregated account shall be used for the purpose of providing the benefits to which said employees who are members of said pension fund become entitled under the pension fund law governing said pension fund. Said segregated account in any pension fund shall remain in existence until there is no further liability for payment of benefits therefrom. Should the monies in said segregated account be insufficient at any time to pay the pension benefits as the same become payable, such benefits shall be paid from the pension fund in which said segregated account was set up; and the authority shall and is hereby authorized and required to reimburse the city upon demand by the city, for the use and benefit of said pension fund, a pro rata share of any and all sums of money which the city has paid from said pension fund by reason of insufficiency of monies in said segregated account therein to pay said pension benefits. The pro rata share which the authority is required to reimburse the city shall bear the same proportion to the total amount which the city shall pay from said pension fund, by reason of such insufficiency in said segregated account therein, as the years of service of each such employee with the authority bears to the total combined years of service of such employee with the authority and with the city as a member of said pension fund; except that the authority shall not be required to reimburse the city any pro rata share of money which the city shall pay from said pension fund by reason of any such insufficiency in said segregated account therein to pay said pension benefits to any such employee having twenty-five (25) or more years of time service credit in said pension fund at the time the municipal airports are transferred to the authority.

Each of said employees shall retain all civil service rights to which he is or shall become entitled under the civil service law now and from time to time applicable to the city and shall be subject to and entitled to the benefits of such civil service law so long as he remains

an employee of the authority. The authority shall not change the classification plan for said employees established under the civil service law of the city, nor abolish the position of any such employee, nor reduce the salary of any such employee, nor suspend, dismiss, demote or promote any such employee except in accordance with the civil service law of the city and with the approval of the civil service board of the city, in actions and proceedings wherein the authority shall act as the appointing authority.

All employees of the municipal airports who shall become or become employees of the authority under the provisions of this act may be reemployed by the city under the act governing the civil service law of the city without the loss of any rights or benefits of any kind whatsoever afforded them by the laws of this city relating to pension funds, civil service, statutory service raises, and may be transferred from the authority to the city as now provided for transfer from one position to another position in the same class of the city civil service act with the consent of this authority and the appointing authority of the city.

Each of such employees who are transferred from the payroll of the city to the payroll of the authority, without interruption in service, shall be entitled to the benefits of and shall receive and continue to receive from the authority the statutory service raises to which he is entitled under the statutory service raise law applicable to the city; and the authority is hereby required and authorized to make such payments.

All employees of the municipal airports who shall become and be employees of the authority under the provisions of this act shall, at the option of each of said employees, have the right to become members of any pension fund established by the authority or any state pension fund which may by operation of law be applicable to employees of the authority. If such an employee exercises his option to join a pension fund established by the authority or applicable to employees of the authority, such employee shall give up his rights as a member of the city pension fund, and all amounts held in such fund for the benefits of such employee shall be transferred to the pension fund of the authority.

Section 12. Rights of New Employees. All employees of the authority, other than those who shall become employees of the authority with the transfer and conveyance of the municipal docks and terminals or the municipal airports by the city or the authority, shall be employed and promoted in accordance with and under such rules and regulations as the authority may adopt from time to time.

History: Amended by Ch. 67-1533, Laws of Fla., effective October 1, 1968.

Section 12.01. Hospitalization Insurance. The Jacksonville port authority is hereby empowered to provide for life, hospitalization, medical and surgical insurance, including disability insurance, for its employees, agents, members,

officers and their immediate dependents, on a group insurance plan or plans approved by the authority and to pay all or such portions of the premium or premiums thereon as the authority, by resolution, may determine. The authority is further authorized to obtain trip accident insurance that will cover its employees, agents, members and officers, in the scope of their duties as determined by the authority and to pay all or such portions of the premium or premiums thereon as the authority, by resolution, may determine. All previous insurance plans heretofore adopted by the authority are hereby ratified and approved as a proper enactment of the powers of the authority and said insurance plan or plans shall continue in full force and effect until modified, changed or cancelled by the authority.

History: Ch. 65-1467 and Ch. 67-1304, Laws of Fla.

Section 13. Cooperation With Other Units, Boards, Agencies and Individuals. Express authority and power is hereby given and granted any county, municipality, drainage district, road and bridge district, school district, or any other political subdivision, board, commission or individual in, or of, the state to make and enter into with the Authority, contracts, leases, conveyances, or other agreements within the provisions and purposes of this chapter. The Authority is hereby expressly authorized to make and enter into contracts, leases, conveyances and other agreements with any political subdivision, agency or instrumentality of the state and any and all federal agencies, corporations and individuals, for the purpose of carrying out the provisions of this chapter.

Section 14. Audits; Bonds. The Authority shall issue quarterly and annual financial reports of its operations and shall also cause annual audits to be made of its operations and affairs by a certified public accountant who resides in Duval County, in such detail as may be necessary to show the financial operation and status of the Authority, and the same shall be preserved as a public record of the Authority. Said audits shall be made in accordance with the rules, regulations and forms prescribed by the state auditor. A copy of each of such audits shall be furnished without charge to the city, and the state auditor, each of which shall acknowledge receipt thereof. Each member of said Authority, before assuming to act as such shall take an oath that he will faithfully perform his duties as a member of the Authority and shall be required to give a good and sufficient surety bond in the sum of fifty thousand dollars (\$50,000.00), payable to the Governor of the State of Florida, and his successors in office, conditioned upon the faithful performance of his duties as a member of said Authority. Such bonds shall be approved by and filed with the clerk of the circuit court of Duval County, Florida, and the premium or premiums thereon shall be paid by said Authority as a necessary expense of said Authority. The Authority shall have power to require its managing

director and such others of its employees as it may deem necessary to furnish good and sufficient surety bond in such sum as the Authority shall require conditioned upon the faithful performance of duties, and to pay the premium or premiums thereon as a necessary expense of said Authority

History: Chapter 70-663, Laws of Fla.
4347

Section 15. Award of Contracts.

(a) All construction, reconstruction, repairs or work of any nature made by the Authority, where the entire costs, value or amount of such construction, reconstruction, repairs or work, including the labor and materials, shall exceed two thousand (\$2,000.00) dollars except construction, reconstruction, repairs or work done by employees of the Authority, or by labor supplied under agreement with federal government or state government, with supplies and materials purchased as hereinafter provided, shall be done only under contract or contracts to be entered into by the Authority with the lowest responsible bidder upon proper terms, after due public notice has been given asking for competitive bids as hereinafter provided. No contract shall be entered into for construction, or improvement, or repair of any project, or any part thereof, unless the contractor shall have given an undertaking with a sufficient surety or sureties, approved by the Authority, and in an amount fixed by the Authority, for the faithful performance of the contract. All such contracts shall provide among other things that the person or corporation entering into such contract with the Authority will pay for all materials furnished and services rendered for the performance of the contract, and that any person or corporation furnishing such materials or rendering such services may maintain an action to recover for the same against the obligor in the undertaking, as though such person or corporation was named therein, provided the action is brought within one (1) year after the time the cause of action accrued. Nothing in this section shall be construed to limit the power of Authority to construct, repair or improve its projects or facilities, or any part thereof, or any addition, betterment or extension thereto, directly by the officers, agents and employees of the Authority, or otherwise than by contract.

(b) All supplies, equipment, machinery and materials costing fifteen hundred (\$1,500.00) dollars or more, shall be purchased only after due advertisement as provided hereinafter. The Authority shall accept the lowest bid or bids, kind, quality and material being equal, but the Authority shall have the right to reject any or all bids or select a single item from any bid. The provision as to bidding shall not apply to the purchase of patented and manufactured products offered for sale in a non-competitive market or solely by a manufacturer's authorized dealer.

(c) The term "advertisement" or "due public notice" wherever used in this section shall mean a notice published at least once a week for two (2) consecutive weeks before the award of any contract, in a daily newspaper published and having a general circulation in the county; and in such other newspapers or publications as the Authority shall deem advisable.

(d) No member of the Authority 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 the Authority 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 such Authority. 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 the Authority.

(e) Subject to the aforesaid provisions the Authority may (but without intending by this provision to limit any powers of the Authority), enter into and carry out such contract, or establish or comply with such rules and regulations concerning labor and materials and other related matters in connection with any project, or portion thereof, as the Authority may deem desirable or as may be requested by the federal government or state government assisting in the financing of its projects, port facilities and facilities related thereto, or any part thereof; provided, however, that the provisions of this section shall not apply to any case in which the Authority has taken over by transfer or assignment any contract assigned to it or assumed by it in connection with the transfer of city and county properties authorized under the provisions of section 11 hereof, nor to any contract in connection with projects which the Authority may have had transferred to it by any persons or private corporations; and provided, further, that the provisions of this section shall not apply to any contract or agreement between the Authority and any engineers, architects, attorneys, or for other professional services, or to any contract or agreement relating to fiscal advisors, fiscal agents, or investment bankers, relating to the financing of projects herein authorized.

Section 16. All instruments in writing necessary to be signed by the Authority shall be executed by the chairman and secretary and attested by the seal of the authority. The authority may, by resolution, designate one or more officers, members, employees or agents of the authority to execute instruments in writing where it is necessary that such instruments be signed by the authority. No expenditure of funds of the authority shall be made except by voucher approved by the authority and signed by its chairman and secretary, or by one or more officers, members or employees of the authority as the authority may designate by resolution. The foregoing authority of the chairman may be exercised by the vice-chairman in the absence of the chairman and the foregoing authority of the secretary may be exercised by an assistant secretary designated by the authority in the absence of the secretary. The authority shall provide for the examination of all payrolls, bills and other claims and demands against the authority to determine before the same are paid that they are duly authorized, in proper form, correctly computed, legally due and payable, and that the authority has funds on hand to make payment.

History: Amended by Ch. 67-1305, Laws of Fla.

Section 17. Chapter 315, Florida Statutes, Relating to Port Facilities Financing, Also Applicable. The provisions of Chapter 315, Florida Statutes, relating to port facilities financing, shall also be applicable to the Authority but where the provisions of said Chapter 315 are inconsistent with the provisions of this act, the provisions of this act shall prevail.

Section 18. Submerged Lands. The Authority shall negotiate with the trustees of the Internal Improvement Board for the transfer of such islands and submerged lands belonging to the State of Florida to the Authority as will serve a public purpose, subject to the riparian rights of the respective owners of the uplands adjacent thereto.

Section 19. Declaration of Purpose. The authority created by this act and the purposes which it is intended to serve are hereby found to be for a county and public purpose.

Section 20. Construction. It is intended that the provisions of this act shall be liberally construed to accomplish the purposes provided for or intended to be provided for herein, and where strict construction would result in the defeat of the accomplishment of any of the acts authorized herein, and a liberal construction would permit or assist in the accomplishment thereof, the liberal construction shall be chosen.

Section 21. Severability Clause. The provisions of this act are severable, and it is the intention to confer the whole or any part of the powers provided for herein, and if any of the provisions of this act shall be held unconstitutional by any court of competent jurisdiction the decision of such court shall not affect or impair any of the remaining provisions.

Section 22. This act shall take effect immediately upon becoming a law.
Became a law without the Governor's approval.
Filed in Office of Secretary of State June 5, 1963.

JACKSONVILLE VOCATIONAL EDUCATIONAL AUTHORITY

Chapter 71-708

Section 1. Creation of a Jacksonville Vocational Educational Authority. There is hereby created and established a body politic and corporate to be known as the Jacksonville Vocational Educational Authority, which is hereby authorized to own, a vocational educational center or centers in the city of Jacksonville.

Section 2. Definitions. The following terms whenever used or referred to in this law shall have the following meaning, except in those instances where the context clearly indicates otherwise:

(1) The term "authority" shall mean the body politic and corporate created by this chapter.

(2) The term "members" shall mean the governing body of the authority and the term "member" shall mean one of the individuals constituting such governing body.

(3) The term "bonds" shall mean and include the notes, bonds, refunding bonds or other evidence of indebtedness or obligations in either temporary or definitive form, which the authority is authorized to issue pursuant to this chapter.

(4) The term "city" means the city of Jacksonville.

(5) The term "agency of the State" shall mean and include the state and any department of, or corporation, agency or instrumentality heretofore or hereafter created, designated, or established by the state.

(6) The term "federal agency" shall mean and include the United States, the president of the United States, and any department of, or corporation, agency or instrumentality heretofore or hereafter created, designated, or established by the United States.

(7) The term "mayor" shall mean the mayor of the city of Jacksonville.

(8) The term "council" shall mean the council of the city of Jacksonville.

(9) The term "vocational educational center or centers" shall mean a vocational educational center facility.

(10) The term "charter" shall mean the charter of the city of Jacksonville established by chapter 67-1320, Laws of Florida, 1967, as amended.

(11) The term "managing director" shall mean the managing director of the Jacksonville vocational education authority.

(12) Words importing singular number shall include the plural number in each case and vice versa, and words importing persons shall include firms, partnerships, corporations, trade associations, professional organizations, trade unions, and all other words of like or similar import.

Section 3. The governing body.

The governing body of the authority shall consist of seven members. One member shall be appointed by the mayor subject to confirmation by the council. Three members shall be appointed by the Duval county school board and three members appointed by the Board of Trustees of the Florida Junior

College at Jacksonville. All members shall be residents and qualified electors of the city of Jacksonville. Terms of office on the authority, shall be four years except that initially, one member appointed by the Duval County School Board and the Board of Trustees of the Florida Junior College shall serve for a two year term. Immediately following the date on which this act becomes law, the appointed bodies hereinabove designated shall appoint members to the initial governing body of the authority and they shall take office July 1, 1971. Each appointed member shall hold office until his successor has been appointed and has qualified. A vacancy during a term shall be filled only for the balance of the unexpired term. One of the members so appointed shall be designated by the members as chairman of the authority. If any member shall cease to serve as a member for any reason, the body appointing such member shall appoint a successor for the remainder of the unexpired term of office of the member who ceased serving as a member.

The members of the authority shall not be entitled compensation, but shall be reimbursed for travel expenses and other actual and necessary expenses incurred in the performance of their duties of office in a sum per diem equal to and computed in the same manner as the amount allowed state officers pursuant to section 112.061, Florida Statutes. Members of the authority shall be subject to the provisions of article 20 of the charter of the city of Jacksonville.

The authority shall elect a chairman, vice chairman, and secretary from among its members, each of whom shall serve for one year or until his respective successor is chosen. The authority 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 chairman or any three members of the authority. A majority of the membership of the authority shall constitute a quorum for the purpose of the meeting and transacting business. Each member of the authority shall have one vote. The authority may adopt by-laws and make rules and regulations not inconsistent with this act or general law. The authority may employ a recording secretary, and a managing director, such financial advisers and consultants, technical experts, such engineers and such agents and employees, permanent or temporary as it may require, all such employees hereafter designated as the professional staff. None of the employees of the authority shall be subject to the civil service system of the city of Jacksonville, and shall not be employees of the city of Jacksonville, their compensation and any matching contributions made by the authority to any retirement or pension fund of said employees shall be made solely by the authority and from the revenue of the authority and shall not be a charge upon funds of the city of Jacksonville. The authority may delegate to one or more of its agents or employees, such of its powers as it shall deem necessary to carry out the purposes of this chapter, subject always to the supervision and control of the authority. Members of the authority

may be removed from office by their respective appointing bodies or the mayor, for misconduct, malfeasance, misfeasance, or nonfeasance in office.

Section 4. General Powers and Purposes.

(1) The authority created and established by the provisions of this chapter is hereby granted and shall have the right to acquire, hold, construct, improve, maintain, own and lease in the capacity of lessor and lease in the capacity of lessee, vocational educational facilities within the City of Jacksonville, subject to the terms and conditions provided herein.

(2) The authority is hereby granted and shall have and may exercise all powers necessary, pertinent, convenient or incidental to the carrying out of the aforesaid purposes, including but without being limited to, the following rights and powers:

(a) To sue and be sued, implead and be impleaded, complain and defend in all courts.

(b) To adopt, use and later at will, a corporate seal.

(c) To acquire, purchase, hold, lease as lessee, receive as a donation, and use any franchise, property, real, personal or mixed, tangible or intangible, or any interest therein, necessary or desirable for carrying out the purposes of the authority and to sell, lease as lessor, transfer and dispose of any property or interest therein at any time required by it.

(d) To enter into and make leases for terms not exceeding forty years, as either lessee or lessor in order to carry out the right to lease as set forth in this chapter.

(e) To fix, alter, charge, establish and collect rates, fees, rentals and other charges for the facilities owned, maintained or constructed by the authority.

(f) To borrow money, make and issue negotiable notes, bonds, refunding bonds and other evidences of indebtedness or obligation, either in temporary or definitive form. (Hereinafter in this chapter sometimes called 'bonds') of the authority, for the purpose of funding or refunding, at or prior to maturity any bonds theretofore issued by said authority to finance any part of the cost of the services and facilities of the vocational educational system of the authority and for any other purpose authorized by this chapter, said bonds to mature and not exceeding forty years from the date of the issuance thereof, and to secure the payment of such bonds or any parts thereof by a pledge of any or all of its revenues, rates, rentals, or other charges or other sources of income; and in general to provide for the security of said bonds and the rights and remedies of the holders.

(3) In the event that the authority shall determine to fund or refund any bonds theretofore issued by said authority, prior to the maturity thereof, the proceeds of such funding or refunding bonds, shall, pending the prior redemption of the bonds to be funded or refunded, be invested in direct obligations of the United States, and it is the express intention of this chapter that such outstanding bonds may be funded or refunded by the issuance of bonds pursuant to this chapter and notwithstanding the part of such outstanding bonds will not mature or become redeemable until six years after the date of issuance bonds pursuant to this chapter to fund or refund such outstanding bonds.

(4) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business.

(5) Without limitation of the foregoing, to borrow money and accept grants and donations from and to enter into contracts, leases or other transactions with any federal agency, the state, any agency of the state, the city of Jacksonville or with any other public body of the State or any independent agency of the city of Jacksonville.

(6) To pledge, hypothecate or otherwise encumber all or any part of the revenues, rates, fees, rentals or other charges or receipts of the authority as security for all or any of the obligations of the authority.

(7) To do all acts and things necessary or convenient for the conduct of its business and the general welfare of the authority in order to carry out the powers granted to it by this chapter or any other law.

(8) The authority shall have no power at any time or in any manner to pledge the credit or taxing power of the state or any political subdivision or agency thereof, nor shall any of the authority's obligations be deemed to be obligations of the state or of any political subdivision or agency thereof, nor shall the state or any political subdivision or agency thereof except the authority be liable for the payment of the principal or of interest on such obligations. The authority shall have no power at any time or in any manner to establish a lien on any real or personal property owned or thereafter acquired by the authority as security for the payment of the principal or of interest on any such obligations.

(9) To construct, acquire, establish, impose, extend, enlarge, reconstruct, reequip, maintain, repair a facility or facilities for the carrying out of vocational educational training in the city of Jacksonville and to construct, acquire, establish, improve, extend, enlarge, reconstruct, reequip, maintain, repair, and operate any and all buildings and improvements necessary or incidental thereto.

(10) To have the power of eminent domain including the power to obtain supplemental orders of taking in connection therewith. The right of eminent domain conferred herein shall be exercised in the manner prescribed by law.

(11) To acquire for the use of the vocational educational system herein provided for, by grant, purchase, gift, devise, condemnation by eminent domain proceedings, exchange or in any other manner, all property, real or personal, or any estate or interest therein, and to sell or otherwise transfer, with or without consideration, any such property when in the authority's discretion it is no longer needed or useful, all upon such terms and conditions as the authority shall, by resolution fix and determine.

(12) To furnish vocational education center facilities to the city, and any other public body, organization, or unit, in any part of the city.

(13) To make or cause to be made such surveys, investigations, studies, boxings, 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 a vocational education facility or facilities.

Section 5. Special limitation on power of authority. Anything in this chapter to the contrary notwithstanding, the authority shall have no power to prescribe the curricula of vocational education or to hire any instructional personnel for the purposes of a vocational education system, it being the express intent of the Legislature that the authority will utilize its powers herein granted to acquire buildings and equipment and other facilities which in turn will be furnished to public bodies, boards, agencies and institutions in the city in order that said public entities may carry out by the use of said buildings, equipment and facilities their own vocational education programs, pursuant to appropriate agreements between said public entities and the authority. The authority shall have the power to make expenditures and employ personnel for the purpose of maintaining and repairing its buildings, equipment and facilities so utilized by the Duval county school board and/or the Florida Junior College and other public entities.

Section 6. Fiscal and Budgetary Functions. The authority shall have fiscal and budgetary functions, subject to the limitations herein expressed:

(1) The fiscal year of the authority shall commence on October 1 of each year and end on the following September 30.

(2) The authority shall prepare and submit its budget for the ensuing year and submit same to the council of the City of Jacksonville on or before June 1 of each year, setting forth its estimated gross revenues, and estimated requirements for operations and maintenance expenses, debt service, and depreciation. The council and the mayor shall approve or disapprove such budget in the manner provided in the charter of the City of Jacksonville for budgets of independent agencies.

(3) Except as the council may otherwise provide, the authority shall utilize on a cost accounting basis the services of the central services department of the city of Jacksonville and shall pay therefor.

(4) Except as the council may otherwise provide, the authority shall be subject to be audited by the council auditor of the city of Jacksonville in the manner prescribed by the charter of the city of Jacksonville for the auditing of budgets of the independent agencies of said city.

(5) The authority may employ and fix the compensation of a managing director who shall manage the affairs of the system under the supervision of the authority. The managing director shall devote his entire working time to the performance of his duties and have no outside employment or business. The managing director may have such qualifications as established by the authority. The authority may also employ and fix the compensation of a professional staff. Neither the managing director nor the professional staff so employed shall be included within the civil service system of the city, anything in this chapter to the contrary notwithstanding, but shall be subject to the code of ethics, provided for in article 20 of the charter of the city of Jacksonville.

Section 7. Vocational education defined. Vocational education is defined as meaning that

instruction, either graded or ungraded, which is given to persons who have the ability to benefit from the instruction provided for the purpose of developing occupational proficiency, and shall not be construed to mean any general or exploratory courses offered with any other objectives. Only vocational education courses and courses related to the vocational course shall be carried out in the buildings or facilities of the authority by the using public entities.

Section 8. Notwithstanding any local or general laws to the contrary, the authority shall make its facilities and entire system available for use by the Florida Junior College and the Duval County School Board. The authority shall cooperate with the State Board of Education and the State Apprentice Council and any appropriate professional associations, employers associations or labor unions or trade unions, all for the purpose of developing minimum standards to provide a proper and effective vocational technical facility or facilities which will assure that the purposes of the facilities are attained. This authority will not supplant any vocational education system conducted or operated in the city of Jacksonville.

Section 9. Bonds of the Authority.

(1) (a) The bonds of the authority issued pursuant to the provisions of this chapter shall be authorized by resolution of the members thereof and may be either term or serial bonds, shall bear such date or dates, mature at such time or times, not exceeding forty years from their respective dates, bear interest at such rate or rates, not exceeding six percent per annum, payable semi-annually, be in such denominations, be in such form, either coupon or fully registered, shall carry such registration, exchangeability and interchangeability privileges, be payable in such medium of payment and at such place or places, be subject to such terms of redemption and be entitled to such priorities on the revenues, rates, fees, rentals or other charges or receipts of the authority, as such resolution or any resolution subsequent thereto may provide. The bonds shall be executed either by manual or facsimile signature by such officers as the authority shall determine, provided that such bonds shall bear at least one signature which is manually executed thereon, and the coupons attached to such bonds shall bear the facsimile signature or signatures of such officer or officers as shall be designated by the authority and shall have the seal of the authority affixed, imprinted, reproduced or lithographed thereon, all as may be prescribed in such resolution or resolutions.

(b) Prior to any sale of bonds the authority shall cause notice to be given by publication in some newspaper published in the county that the authority will receive bids for the purchase of the bonds at the office of the authority in the county. Said notice shall be published twice and the first publication shall be given not less than fifteen days prior to the date set for receiving the bids. Said notice shall specify the amount of the bonds offered for sale and shall state that the bids shall be sealed bids, shall give the schedule of the maturities of the proposed bonds and such other pertinent information as may be prescribed in the resolution authorizing the issuance of such bonds or any resolution subsequent thereto. Bidders may be invited to name the rate of interest

which the bonds are to bear or the authority may name rates of interest and invite bids thereon. Notice in writing shall also be given to at least three recognized bond dealers in the State not less than ten days prior to the date set for receiving the bids.

(c) All bonds and refunding bonds issued pursuant to this chapter shall be sold to the highest and best bidder at such public sale unless sold at a better price or yield basis within thirty days after failure to receive an acceptable bid at a duly advertised public sale, provided that the interest cost to the authority on such bonds shall not exceed six per cent per annum, and provided further, that the authority shall have the right to reject all bids and cause a new notice to be given in like manner inviting other bids for such bonds. In determining the highest and best bidder for bonds offered for sale, the net interest cost to the authority as shown in standard bond tables shall govern; provided, that the determination of the authority as to the highest and best bidder shall be final. Pending the preparation of definitive bonds, interim certificates may be issued to the purchaser or purchasers of such bonds, and may contain such terms and conditions as the authority may determine.

(d) The authority may require all bidders for said bonds to give security by bond or deposit to the authority to insure that the bidder shall comply with the terms of the bid, and any bidder whose bid shall be accepted shall be liable to the authority for all damages on account of the nonperformance of the terms of such bid or to a forfeiture of the deposit required by the authority.

(2) Any such resolution or resolutions authorizing any bonds hereunder may contain provisions which shall be part of the contract with the holders of such bonds, as to:

(a) The pledging of all or any part of the revenues, rates, fees, rentals, or other charges or receipts of the authority derived by the authority;

(b) The completion, improvement, operation, extension, maintenance, repair, lease or lease-purchase agreement of said system, and the duties of the authority and others, with reference thereto;

(c) Limitations on the purposes to which the proceeds of the bonds, then or thereafter to be issued, or of any loan or grant by the United States or the state may be applied;

(d) The fixing, charging, establishing and collecting of rates, fees, rentals, or other charges for use of the services and facilities of the authority or any part thereof;

(e) The setting aside of reserves or sinking funds or repair and replacement funds and the regulation and disposition thereof;

(f) Limitations on the issuance of additional bonds;

(g) The terms and provisions of any lease-purchase agreement, deed or trust or indenture securing the bonds, or under which the same may be issued; and

(h) Any other or additional agreements with the holders of the bonds which the authority may deem desirable and proper.

(3) The authority may enter into any deeds of trust, indentures or other agreements with, or with any bank or trust company within or without the state, with the consent of said board, as security for such bonds, and may, under such agreements, assign

and pledge all or any of the revenues, rates, fees, rentals, or other charges or receipts of the authority. Such deed of trust, indenture or other agreement, may contain such provisions as is customary in such instruments or, as the authority may authorize, including, but without limitation, provisions as to:

(a) The completion, improvement, operation, extension, maintenance, repair and lease of, the buildings, equipment and facilities of the authority, and the duties of the authority and others, with reference thereto;

(b) The application of funds and the safeguarding of funds on hand or on deposit;

(c) The rights and remedies of the trustee and the holders of the bonds; and

(d) The terms and provisions of the bonds or the resolutions authorizing the issuance of the same.

(4) Any of the bonds issued pursuant to this chapter are, and are hereby declared to be, negotiable instruments, and shall have all the qualities and incidents of negotiable instruments under the law merchant and the negotiable instruments law of the state.

Section 10. Prior Approval of Council.

Prior to any sale of bonds the authority shall first obtain prior approval by resolution or ordinance of the council of the city of Jacksonville.

Section 11. Remedies of the Bondholders.

(1) The rights and the remedies herein conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of bonds, or by any lease-purchase agreement, deed of trust, indenture or other agreement under which the bonds may be issued or secured. In the event that the authority shall default in the payment of the principal or of interest on any of the bonds issued pursuant to the provisions of this chapter after such principal or of interest on said bonds shall have become due, whether at maturity or upon call for redemption, and such default shall continue for a period of thirty days, or in the event that the authority shall fail or refuse to comply with the provisions of this chapter or any agreement made with, or for the benefit of, the holders of the bonds, the holders of twenty-five per cent in aggregate principal amount of the bonds then outstanding shall be entitled as of right to the appointment of a trustee to represent such bondholders for the purposes hereof; provided, however, that such holders of twenty-five per cent in aggregate principal amounts of the bonds then outstanding shall have first given notice of their intention to appoint a trustee, to the authority. Such notice shall be deemed to have been given if given in writing, and deposited in a securely sealed postpaid wrapper, mailed at a regularly maintained United States post office box or station and addressed, respectively, to the chairman of the authority at the principal office of the authority.

(2) Such trustee, and any trustee under any deed of trust, indenture or other agreement, may, and upon written request of the holders of twenty-five per cent (or such other percentages as may be specified in any deed or trust, indenture or other

agreement aforesaid) in principal amount of the bonds then outstanding, shall, in any court of competent jurisdiction, in his or its own name:

(a) By mandamus or other suit, action or proceeding at law, or in equity, enforce all rights of the bondholders, including the right to require the authority to fix, establish, maintain, collect and charge rates, fees, rentals, and other charges, adequate to carry out any agreement as to, or pledge of, the revenues or receipts of the authority, and to require the authority to carry out any other covenants and agreements with or for the benefit of the bondholders, and to perform its and their duties under this chapter.

(b) By mandamus or other suit, action or proceeding at law, or in equity, enforce all rights of the bondholders under or pursuant to any agreement between the authority and any other persons, including the right to require such other persons to make any payments called for between the authority and such other persons under such agreements and to require such other persons to carry out any other covenants and agreements with or for the benefits of the bondholders and to perform their duties under this chapter.

(c) Bring suit upon the bonds,

(d) By action or suit in equity require the authority to account as if it were the trustee of an express trust for the bondholders,

(e) By action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders.

(3) Any trustee when appointed as aforesaid, or acting under a deed of trust, indenture or other agreement, and whether or not all bonds have been declared due and payable, shall be entitled as of right to the appointment of a receiver, who may enter upon and take possession of the authority or the facilities or any part or parts thereof, the rates, fees, rentals, or other revenues, charges or receipts from which are, or may be, applicable to the payment of the bonds so in default, and subject to and in compliance with the provisions of any agreements between the authority and other persons to operate and maintain the same, for and on behalf of and in the name of, the authority, and the bondholders, and collect and receive all rates, fees, rentals, and other charges or receipts or revenues arising therefrom in the same manner as the authority might do, and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct. In any suit, action or proceedings by the trustees the fees, counsel fees, and expenses of the trustee, and said receiver, if any, and all costs and disbursements allowed by the court shall be a first charge on any rates, fees, rentals, or other charges revenues or receipts, derived from the authority or the facilities or services or any part or parts thereof, including payments under any agreements as aforesaid which said rates, fees, rentals, or other charges, revenues or receipts shall or may be applicable to the payment of the bonds so in default. Such trustee shall, in addition to the foregoing, have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the representation of the bondholders in the enforcement and protection of their rights.

Section 12. Cooperation with other Units, Boards, Agencies and Individuals. Express authority and power is hereby given and granted any county, municipality, drainage district, road and bridge district, school district or any other political subdivision, board, commission or individual in, or of, the state to make and enter into with the authority, contracts, leases, conveyances, or other agreements within the provisions and purposes of this chapter. The authority is hereby expressly authorized to make and enter into contracts, leases, conveyances and other agreements with any political subdivision, agency or instrumentality of the state and any and all federal agencies, corporations and individuals, for the purpose of carrying out the provisions of this chapter. The power is specifically granted to the authority to apply for, receive and use for the purposes herein expressed, grants from any private person, corporation, trade union, trust, estate, federal agency, state agency, county agency or municipal agency.

Section 13. Exemption from Taxation. The effectuation of the authorized purposes of the authority created under this chapter is, shall and will be, in all respects for the benefit of the people of the state, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and for the general welfare of the citizens of the city of Jacksonville, such authority shall not be required to pay any taxes or assessments of any kind or nature whatsoever upon any property acquired or used by it for such purposes, or upon any rates, fees, rentals, receipts, income or charges at any time received by it, and the bonds issued by the authority, their transfer and the income therefrom, (including any profits made on the sale thereof) shall at all times be free from taxation of any kind by the state, or by any political subdivision, or taxing agency or instrumentality thereof.

Section 14. Eligibility for Investments and Security. Any bonds or other obligations issued pursuant to this chapter shall be and constitute legal investments for banks, savings banks, trustees, executors, administrators, and all other fiduciaries, and for all state, municipal and other public funds and shall also be and constitute securities eligible for deposit as security for all state, municipal or other public funds, notwithstanding the provisions of any other law or laws to the contrary.

Section 15. Municipal and School Purposes. It is hereby specifically declared by the Legislature that the carrying out of the purposes of this chapter by the authority and the Duval County School Board and the Florida Junior College at Jacksonville are proper municipal and school purposes, respectively. The Duval county school board, the Florida Junior College at Jacksonville, and any other public entity are hereby expressly authorized to execute any lease for the use of buildings, equipment and facilities of the authority for purposes of carrying out vocational educational programs in connection therewith, and it is further declared that the expenditure of funds by the Duval county school board, the Florida Junior College and any other public entity are proper expenditures for school purposes. The council of the city of Jacksonville may from time to time make

appropriations in their discretion to the authority to carry out the purposes of the authority and in making such appropriations, the council of the city of Jacksonville is deemed to be furthering a proper municipal purpose.

Section 2. All local, special or general laws in conflict herewith are expressly repealed, including but without in any way limiting the generality of the foregoing language, Chapter 70-751, Laws of Florida, which is expressly repealed.

Section 3. The provisions of this act are severable; and if any section, portion of a section or provision of this act shall be held unconstitutional or invalid by any court of competent jurisdiction, the decision of such court shall not affect or repeal any of the remaining provisions or sections of this act.

History: Added by Chapter 71-708, Laws of Florida; Chapter 70-751, Repealed.

THE JACKSONVILLE ELECTRIC AUTHORITY

Chapter 67-1569, Laws of Florida, With
Amendments Through July 31, 1975

Section 1. There is hereby created and established a body politic and corporate to be known as the Jacksonville electric authority, which is hereby authorized to own, manage and operate an electric utilities system in the city of Jacksonville and in any or all counties adjacent thereto.

Section 2. In the interpretation of this act the following words and phrases shall be interpreted as provided in this section.

- (1) The terms "city" and "city of Jacksonville" shall mean the city of Jacksonville created pursuant to section 9 of article VIII of the Constitution of the state of Florida.
- (2) The term "mayor" shall mean the mayor of the city of Jacksonville.
- (3) The term "council" shall mean the council of the city of Jacksonville.
- (4) The term "authority" shall mean the Jacksonville electric authority.
- (5) The term "electric system" shall mean the electric utilities system of the city of Jacksonville.
- (6) The term "charter" shall mean the charter of the city of Jacksonville.
- (7) The term "member" shall mean a member of the authority.
- (8) The term "managing director" shall mean the managing director of the Jacksonville electric authority.

Section 3. The governing body of the authority shall consist of seven (7) members who shall be appointed by the mayor subject to confirmation by the council. Two (2) members of the authority who are first appointed shall be designated by the mayor to serve for terms of four (4) years, two (2) members shall be designated to serve for terms of three (3) years, two (2) members shall be designated to serve for terms of two (2) years, and one (1) member shall be designated to serve for a term of one (1) year, each of such terms to commence with the date of the appointments of said members. Thereafter, the term of office of each member shall be for four (4) years, but each appointed member shall hold such office until his successor has been appointed and has qualified. The mayor shall make the initial appointments under this section prior to May 1, 1968. Every member of the authority shall have attained the age of twenty-five (25) years and shall have been a resident of the city for at least two (2) years prior to his appointment. No member of the authority shall hold any other public office or position. If at any time during his term of membership on the authority, any member shall cease to be a resident of the city or shall hold any other public office or position, he shall cease to be a member and a vacancy shall exist on the authority. Any vacancy on the authority, however created, shall be filled for the unexpired term in the same manner as provided for initial appointment to the authority, and the person so appointed shall have and retain all the qualifications prescribed for appointment to membership on the authority. Any

member appointed to the authority for two (2) consecutive full terms shall not be eligible for the succeeding term.

The members of the authority shall not be entitled to compensation, pension or other retirement benefits on account of service on the authority, but members and employees shall be entitled to payment of reasonable expenses as provided by the council of the City of Jacksonville. Members of the authority shall be subject to the provisions of article 20 of the charter.

History: Amended by Chapter 71-698, Laws of Florida.

The authority shall elect a chairman, vice chairman and secretary, each of whom shall serve for one (1) year or until his successor is chosen. The authority 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 chairman or any three (3) members of the authority. A majority of the membership shall constitute a quorum for the purpose of meeting and transacting business. Each member of the authority shall have one (1) vote. The authority may adopt bylaws and makes rules and regulations not inconsistent with this act or general law.

Section 4. The authority shall have the following powers, in addition to powers otherwise conferred:

- (1) To construct, acquire, establish, improve, extend, enlarge, reconstruct, re-equip, maintain, repair and operate the electric system of the city;
- (2) To acquire for the use of the electric system by grant, purchase, gift, devise, condemnation by eminent domain proceedings, exchange or in any other manner, all property real or personal, or any estate or interest therein, and to sell or otherwise transfer, with or without consideration, any such property when in the authority's discretion it is no longer needed or useful, all upon such terms and conditions as the authority shall by resolution fix and determine. The right of eminent domain conferred herein shall be exercised by the authority in the manner provided by law;
- (3) To furnish electricity to private persons, firms and corporations, the city, and any other public or private body, organization or unit, in any part of the city or in any adjacent county and for said purposes shall have the right to construct and maintain electric lines in and along all public highways and streets throughout the city and said adjacent counties;
- (4) To the extent permitted by law to fix, regulate and collect rates and charges for the services furnished by the electric system, only after the authority shall have given notice of and held a public hearing in Duval County. The notice shall be published not less than one week in advance in at least one newspaper of general circulation in the county. Said notice shall be at least one-fourth (1/4) page in size, inviting the public to be present and heard. The authority shall have the power to impose sanctions to enforce compliance with any rule or regulation which the authority may adopt in the management and operation of, or the sale or use of electricity from the electric system. The city and other public bodies shall be required to pay for electricity upon the same basis as other users.

(5) To sue and be sued, implead and be impleaded, complain and defend in all courts; to adopt and use a corporate seal; to make and enter into all contracts, agreements, and leases and to do and perform all other acts and deeds necessary and incidental to the performance of its duties and the exercise of its powers;

(6) 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 electric system;

(7)(a) To issue revenue bonds of the authority for the purpose of paying all or a part of the cost of any one or more enlargements, expansions, developments or replacements or modernizations of the electric system, whether the property used therefor has been previously acquired or not, for the purpose of paying all or a part of the cost of removing, relocating or reconstructing at another location any portion of the electric system which in the opinion of the authority constitutes an obstruction or hazard to the safe or efficient operation of the system, and for the purpose of paying off and retiring any bonds issued or assumed under this act, and for any combination of one or more such purposes in any single issue of revenue bonds.

(b) The bonds of each issue shall be authorized by resolution of the authority and shall be dated, shall bear interest at such rate or rates not exceeding six per centum (6%) per annum, shall mature at such time or times not exceeding forty (40) years from their date or dates, as may be determined by the authority, and may be redeemable before maturity, at the option of the authority, at such price or prices and under such terms and conditions as may be fixed by the authority prior to the issuance of the bonds. The authority shall determine the form of bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the state. The resolution authorizing the issuance of the bonds shall contain such provisions relating to the use of the proceeds from the sale of the bonds and for the protection and security of holders of the bonds, including their rights and remedies, and the rights, powers, privileges, duties and obligations of the authority with respect to the same, as shall be determined by the authority. In case any officer whose signature or facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All bonds issued under the provisions of this act 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 bonds may be issued in coupon or in registered form, or both, as the authority may determine, and provisions may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The issuance of such bonds shall not be subject to any limitations or conditions contained in any other law.

(c) Prior to any sale of bonds the authority shall cause notice to be given by publication in some daily newspaper published and having a general circulation in the city that the authority will receive bids for the purchase of the bonds at the office of the authority in the city. Said notice shall be published twice and the first publication shall be given not less than fifteen (15) days prior to the date set for receiving the bids. Said notice shall specify the amount of the bonds offered for sale and shall state that the bids shall be sealed bids, shall give the schedule of the maturities of the proposed bonds and such other pertinent information as may be prescribed in the resolution authorizing the issuance of such bonds or any resolution subsequent thereto. Bidders may be invited to name the rate or rates of interest and invite bids thereon. In addition to publication of notice of the proposed sales the authority shall also give notice in writing of the proposed sale enclosing a copy of such advertisement to the chairman of the Florida development commission and to at least three (3) recognized bond dealers in the state, such notices to be given not less than (10) days prior to the date set for receiving the bids.

(d) All bonds and refunding bonds issued pursuant to this act shall be sold at public sale and shall be awarded to the bidder whose bid produces the lowest net interest cost to the authority. The net interest cost of bonds shall be determined by taking the aggregate amount of interest at the rate or rates specified in the bonds, computed from the date of the bonds to the date of the various stated maturities thereof, and deducting therefrom the amount of any premium offered in excess of the par value of the bonds or adding thereto the amount of any discount offered below the par value of the bonds, with interest computed on a three hundred sixty (360) day year basis. The authority shall reserve the right to reject any or all bids. In no event shall said bonds be sold at a net interest cost to the authority in excess of six per cent (6%) per annum. Pending the preparation of definitive bonds, interim bonds may be issued to the purchaser or purchasers of such bonds, and may contain such terms and conditions as the authority may determine.

(e) The authority shall require all bidders for said bonds to enclose a certified or bank cashier's check, in the amount of two (2) per cent of the total par value of the bonds offered for sale, drawn on an incorporated bank or trust company payable unconditionally to the order of the authority as a guarantee of good faith in the performance of each bid; the checks of the unsuccessful bidders shall be returned immediately upon the award of the bonds and the check of the successful bidder shall be retained by the authority and credited against the full purchase price of the bonds at the time of delivery or retained as and for liquidated damages in case of the failure of such bidder to fulfill the terms of his bid.

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

(g) Bonds or revenue certificates may be issued by the authority only upon approval by ordinance of the council.

(8) To borrow money and to issue notes for any purpose or purposes for which bonds may be issued under the provisions of this act and to refund the same; to issue notes in anticipation of the receipt of the proceeds of the sale of any such bonds.

(9) To enter into contracts, without referendum or approval by the council, for a term of more than one year but not exceeding twenty (20) years for the purchase of fuel for the generation of electricity; provided, except as to initial nuclear fuel loadings, that any such contract shall provide that the funds with which the authority agrees to pay for the fuel purchased under the authority herein granted shall be payable from the revenues derived from the operation of the authority's electric system; provided that no such contract shall be entered into for a term of more than four (4) years except after prior approval by the council, except that contracts exceeding ten (10) years shall require a two-thirds (2/3) vote of the council.

History: Amended by Chapter 74-516, Laws of Florida.

Section 5. Bonds eligible for legal investments. Notwithstanding any provisions of any other law or laws to the contrary, all revenue bonds including refunding bonds, issued pursuant to this act shall constitute legal investments for savings banks, 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.

Section 6. The city of Jacksonville shall transfer to the authority the physical properties, cash, accounts receivable, and all other assets relating to the electric system in existence on the date of transfer, and the authority shall assume all of the obligations of the city of Jacksonville relating to the electric system on such date, including bonded indebtedness. Such transfers shall take effect as of October 1, 1968.

Section 7. The authority shall have fiscal and budgetary functions, subject to the limitations herein expressed:

(1) The fiscal year of the authority shall commence on October 1 of each year and end on the following September 30.

(2) The authority shall prepare and submit its budget for the ensuing year to the council of the city on or before June 1 of each year, setting forth its estimated gross revenues, and estimated requirements for operations and maintenance expenses, debt service, and depreciation. A copy of said budget shall be published once in a newspaper of general circulation in the city during the month of June. The council and the mayor of the city of Jacksonville shall approve or disapprove such budget in the manner provided in the charter of the city of Jacksonville for budgets of independent agencies.

(3) The council of the city shall have the power to appropriate up to thirty per cent (30%) of the estimated gross revenues of the authority for the uses and purposes of the city, and the authority shall pay over to the city such portions of the funds actually appropriated by the council at such times as the council may request, but not in advance of collection. The authority shall submit monthly accountings to the council of its actual gross revenues, and appropriations of the council shall be adjusted to reflect increases or decreases in actual gross revenues from estimated gross revenues.

(4) The authority shall be required to set aside each year in a depreciation and reserve account an amount equal to not less than ten (10%) per cent of its annual net revenues for the previous year. For such purpose, annual net revenue shall mean annual gross revenues reduced by expenses for operation and maintenance and debt service. Funds set aside in said depreciation and reserve account shall be used exclusively for enlargements, extensions, improvements and replacements of the electric system.

(5) Except as the council may provide, the authority shall utilize on a cost accounted basis the services of the central services department of the city, and shall pay therefor.

(6) All revenues and service charges receivable by the authority as payment for the sale of electricity shall be collected and received by the tax collector of the city. The tax collector shall deposit to the account of or otherwise turn over to, the authority such funds at such times and in such manner as the authority may from time to time designate by resolution.

(7) The authority shall employ and fix the compensation of the managing director, who shall manage the affairs of the electric system under the supervision of the authority. The managing director shall devote his entire working time to the performance of his duties and have no outside employment or business. The managing director shall be a graduate engineer with at least five years experience in the field of engineering, operation and management of an electric utility or comparable enterprise. The authority may appoint and fix the compensation of up to three staff assistants to the managing director, excepted from the civil service system of the City of Jacksonville. Assistants so appointed shall serve at the pleasure of the authority. The authority shall employ and fix the compensation of the department heads, deputy directors of departments and division chiefs of the electric system. Neither the managing director nor department heads, deputy directors of departments, staff assistants or division chiefs so employed shall be included within the civil service system of the city but shall be subject to the code of ethics, provided for in Article 20 of the Charter of Jacksonville. The authority may employ such certified public accountants, consultants and other employees for special purposes, including specialists related to construction and operation of nuclear powered generation facilities, not within the civil service system of the city, as it may require, and fix and pay their compensation.

History: Amended by Chapter 71-706, Laws of Florida; Amended by Chapter 74-511, Laws of Florida.

Section 9. All employees of the electric system of the city of Jacksonville on the effective date of this act shall continue without any loss of right or benefits as employees of the electric system under the supervision of the authority. The transfer of such employees shall be governed by article 18 of the charter. All employees of the electric system shall be employees of the city and shall be subject to articles 18, 19 and 20 of the charter unless otherwise provided by the council. The Jacksonville Electric Authority, at its expense, shall provide accidental death benefits for all employees engaged in hazardous duty, in the amount of \$10,000.00 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 employment.

History: Amended by Chapter 71-711, Laws of Florida.

Section 10. Awards of contracts.

(1) All construction, reconstruction, repairs or work of any nature made by the authority, where the entire costs, value or amount of such construction, reconstruction, repairs or work, including the labor and materials, shall exceed four thousand (\$4,000.00) dollars except construction, reconstruction, repairs or work done by employees of the authority, or by labor supplied under agreement with federal government or state government, with supplies and material purchased as hereinafter provided, shall be done only under contract or contracts to be entered into by the authority with the lowest responsible bidder or lowest responsible bidders if the authority determines that simultaneous contracts for variable portions or all of particular work will be accomplished more responsibly commensurate with the lawful purposes of the authority than if performed by one bidder or that such work is incapable of performance by one bidder, upon proper terms, after due public notice has been given asking for competitive bids as hereinafter provided. No contract shall be entered into for construction, or improvement, or repair of the electric system, or any part thereof, unless the contractor shall have given an undertaking with a sufficient surety or sureties, approved by the authority, and in amount fixed by the authority, for the faithful performance of the contract. All such contracts shall provide among other things that the person or corporation entering into such contract with the authority will pay for all materials furnished and services rendered for the performance of the contract, and that any person or corporation furnishing such materials or rendering such services may maintain an action to recover for the same against the obligor in the undertaking, as though such person or corporation was named therein, provided the action is brought within one (1) year after the time the cause of action accrued. Nothing in this section shall be construed to limit the power of the authority to construct, repair or improve the electric system, or any part thereof, or any addition, betterment or extension thereto, directly by the officers, agents and employees of the authority, or otherwise than by contract.

(2) All supplies, equipment, machinery and materials costing \$4,000 or more, shall be purchased only after due advertisement as provided hereinafter. The authority shall accept the lowest bid or bids, kind, quality and materials being equal, but the authority shall have the right to reject any or all bids or select a single item from any bid. The authority may accept dissimilar lowest bids as to cost or quantity, or both, kind, quality, and material being equal, if the authority determines that simultaneous acceptance of such bids for variable portions or all of particular supplies, equipment, machinery or other material will thereby be procured more responsibly commensurate with the lawful purposes of the authority than if procured by the acceptance of lowest bid or that such material is incapable of being supplied by one bidder, but the authority shall have the right to reject any or all bids or select any single items from any bid. The provisions as to bidding shall not apply to the purchase of (I) patented and manufactured products offered for sale in a noncompetitive market or solely by a manufacturer's authorized dealer, (II) fuel for the generation of electricity when reasonably procurable only through negotiation, (III) products

and services necessary for nuclear powered generation facilities, or (IV) fuel for the generation of electricity purchased in the spot market, provided the purchase price is less than the most recent contract price of the authority, (V) supplies, materials and services necessary for operation, maintenance and expansion of the electric system when reasonably procurable only through negotiation, or (VI) materials and supplies purchased from electric utilities, provided purchase price for each item is less than the most recent contract price of the authority. For purposes of paragraphs (II), (III), and (IV), (V) and (VI) hereof, any purchase must be approved by the chief purchasing officer of the City of Jacksonville. For purposes of paragraph (IV) hereof, purchase in the spot market means the purchase of less than 1,000,000 barrels of fuel to be delivered within 120 days of the date of the contract for purchase. For purposes of paragraph (II) hereof, reasonable procurability only through negotiation may be demonstrated by a lack of responsive bids after advertisement. For purposes of paragraph (V) hereof, reasonable procurability only through negotiation shall be demonstrated by a lack of responsive bids after advertisement.

(3) The term "advertisement" or "due public notice" wherever used in this section shall mean a notice published at least once a week for two (2) consecutive weeks before the award of any contract, in a daily newspaper published and having a general circulation in the city, and in such other newspapers or publications as the authority shall deem advisable.

(4) No member of the authority 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 the authority 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 such authority. 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 the authority.

(5) Subject to the aforesaid provisions the authority may (but without intending by this provision to limit any powers of the authority), enter into and carry out such contract, or establish or comply with such rules and regulations concerning labor and materials and other related matters in connection with any construction project, or portion thereof, as the authority may deem desirable; provided that the provisions of this section shall not apply to any contract or agreement between the authority and any engineers, architects, attorneys, or for other professional services, or to any contract or agreement relating to fiscal advisors, fiscal agents, or investment bankers, relating to the financing of projects herein authorized.

History: Amended by Chapter 73-506, Laws of Florida; amended by Chapter 74-516, Laws of Florida; amended by Chapter 75-407, Laws of Florida.

Section 11. All instruments in writing necessary to be signed by the authority shall be executed by the chairman and secretary, or by such officer, agent or employee of the authority as it may by resolution designate. The

authority shall provide for the examination of all payrolls, bills, and other claims and demands against the authority to determine before the same are paid that they are duly authorized, in proper form, correctly computed, legally due and payable, and that the authority has funds on hand to make payment. Funds on hand to make payment shall be deemed to have been provided when revenue bonds of the authority to finance the acquisition and construction of nuclear power or other generating plants and facilities for the production of electricity costing in excess of Ten Million Dollars (\$10,000,000) have been duly authorized as provided in this act and validated in a court of competent jurisdiction, whereupon the authority may enter into instruments in writing for the acquisition and construction of such plants and facilities and may sell such revenue bonds in the manner provided in this act in installments to provide funds as obligations of the authority under such instruments in writing become due.

History: Amended by Chapter 74-502, Laws of Florida.

Section 12. This act shall become effective on October 1, A.D. 1968; but only if there shall take effect on the same date a new charter for the city of Jacksonville pursuant to section 9 of article VIII of the Constitution of the state of Florida and House Bill 3029, Laws of Florida, regular session, 1967. However, the members of the authority shall take office upon the date of their appointment by the mayor of the city and confirmation by the council for the limited purposes of holding organizational meetings, employing a managing director and department heads, and preparing an initial budget and submitting it to the council. Such members of the authority and employees shall be entitled to compensation from the date of their appointment or employment in accordance with the provisions of this act, and such compensation shall be paid, for periods prior to October 1, 1968, by the electric department of the former city of Jacksonville.

History: This act became a law without the Governor's approval, and was filed in the Office of Secretary of State on August 4, 1967. The act has subsequently been amended by Chapters 71-698, 71-706, 71-711, 73-506, 74-502, 74-511, 74-516, 75-407, Laws of Florida, as of July 31, 1975.

CHARTER
JACKSONVILLE BEACH
FLORIDA
Second Urban Services District
Chapter 18623, Laws of Florida, 1937

Section 1. Incorporation and Corporate Powers. The inhabitants of the City of Jacksonville Beach, within the boundaries as now established or as hereafter established in the manner provided by law, shall continue to be a body politic and corporate by name the "City of Jacksonville Beach", and under that name shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage, and control such property as its interests may require; and, except as prohibited by the Constitution of Florida or restricted by this Charter, the City of Jacksonville Beach shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

History: Ch. 61-2337 expanded the city limits by a notes and bounds description, shown following this charter, section 112.

Section 2. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the City of Jacksonville Beach shall have, and may exercise, all powers which, under the Constitution of Florida, it would be competent for this Charter specifically to enumerate. All powers of the City, whether expressed or implied, shall be exercised in the manner prescribed by this Charter, or, if not prescribed therein, then in the manner provided by ordinance or resolution of the Council.

THE COUNCIL

Section 3. Creation, Salary and Composition of Council. Except as otherwise provided in this charter, all powers of the city shall be vested in a council composed of a mayor and six other members, who shall be qualified electors of said city and be nominated and elected from the city at large in the manner hereinafter provided. The term of the mayor and members of the council shall be for four (4) years next following their election, or until their successors are elected and qualified; except at the municipal election to be held in October, 1961, the three successful candidates for seats four, five, and six for the office of the city councilmen shall be elected for a term of only two years next following; and at each biennial election thereafter only such officers whose terms of office then expire shall be elected. The mayor or any mem-

ber of the council ceasing to possess any of the qualifications specified in this charter, or convicted of crime while in office, or removed from office by recall election, shall immediately forfeit his office.

History: Ch. 61-2338, Laws of Fla.

Section 3(a). The Mayor shall receive a salary in the amount of Three Hundred Dollars (\$300.00) per month during his term of office and each member of the Council shall receive a salary in the amount of One Hundred Dollars (\$100.00) per month during their term of office.

History: Ch. 59-1427; Ch. 63-1477, Laws of Fla.

Section 4. Mayor—Duties and Powers. There is hereby created the office of Mayor of the City of Jacksonville Beach, who shall be nominated and elected as above provided. He shall have all the powers and functions of a Councilman of the City of Jacksonville Beach, and shall also have the powers and perform the duties conferred and imposed upon him by this Charter and the ordinances of said City.

The Mayor shall preside at all meetings of the Council and shall have a voice and a vote in the proceedings of the council, but no veto power. He may use the title of Mayor in any case in which the execution of legal instruments or writing or other necessity arising from the City Charter or from the General Laws of the State so require but this shall not be considered as conferring upon him the administrative or judicial function of Mayor under the General Laws of the State, except that he shall have the power to perform marriage ceremonies. He shall be recognized as the official head of the City by the courts for the purpose of serving civil processes upon the City; by the Government in the exercise of military law, and for all ceremonial purposes.

In time of public danger or emergency, the Mayor may on his own authority, by proclamation take command of the police and govern the City for a period not to exceed seventy-two hours, if the public danger or emergency should require that the command of the police by the Mayor and his government of the City by proclamation should be extended, this may be authorized for a period not in excess of five days by the affirmative vote of at least five councilmen.

History: Ch. 23372, Laws of Fla., 1945.

Section 5. Mayor Pro-Tem. At its first meeting following a regular municipal election the Council shall choose from its membership a vice-chairman who shall have the title of Mayor Pro-Tem. If a vacancy occurs in the office of

Mayor, or in case of his absence or disability, the Mayor Pro-tem shall act as Mayor for the unexpired term, or during the continuance of the absence or disability. Whenever the Mayor Pro-tem succeeds to the office of Mayor for the remaining portion of an unexpired term, it shall create a vacancy in the Council, which vacancy shall be filled in accordance with the provisions of this Charter.

Section 6. Meetings of Council. On the first day following each regular municipal election the Council shall meet at the usual place for holding its meetings and the Mayor and newly elected members shall assume the duties of office. Thereafter, the Council shall meet at such times as may be prescribed by ordinance or resolution, but not less frequently than twice each month at regular specified times. Special meetings shall be called by the Clerk upon the written request of the Mayor, or a majority of the members of the Council. At least two days previous written notice of all special meetings shall be given to each Councilman, but such notice may be waived by any councilman as to himself by voluntarily appearing at such meeting. Service of such notice shall be made either in person or by leaving a copy thereof at the usual place of abode of the Councilman being served. Any such notice shall state the subject to be considered at the special meeting and no other subject shall be there considered. All meetings of the Council and of committees thereof shall be open to the public, and the rules of the Council shall provide that citizens of the City shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered thereat; but the council may authorize an executive meeting for purposes of deliberation, provided that no official action may be taken at such executive session.

Section 7. Council Rules. The Council shall be the judge of the election and qualification of its members, and in such cases, shall have power to subpoena witnesses and compel the production of all pertinent books, records and papers; but the decision of the Council in any such case shall be subject to review by the courts. The Council shall determine its own rules and order of business, and require the City Clerk to make up and keep a journal of its proceedings.

Section 8. Quorum. A majority of the members elected to the Council shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by Ordinance. The affirmative vote of a majority of the members elected to the Council shall be necessary to adopt any ordinance, resolution, order or vote; except that a vote to adjourn may be adopted by a majority of the members present.

Section 9. Introduction and Passage of Ordinances and Resolutions. Ordinances and resolutions shall be introduced in the Council only in written or printed form. All ordinances, except ordinances making appropriations and ordinances codifying or re-arranging existing ordinances or enacting a code of ordinances, shall be confined to one subject, and the

subject, or subjects, of all ordinances shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject of appropriations. No ordinance shall be passed until it has been read on three separate days, unless the requirements for reading it on three separate days be dispensed with by unanimous vote of all members of the Council. The final reading of each ordinance shall be in full unless a written or printed copy thereof shall have been furnished to each member of the council prior to such reading. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the Council. The enacting clause of all ordinances shall be "Be it ordained by the City of Jacksonville Beach."

Section 10. When Ordinances and Resolutions Take Effect—Emergency Measures. Ordinances making the annual tax levy, appropriation ordinances, ordinances and resolutions pertaining to local improvements and assessments, ordinances and resolutions providing for or directing any investigation of City affairs, resolutions requesting information from administrative officers or directing administrative action and emergency measures shall take effect at the time indicated therein. Except as otherwise prescribed in this Charter, all other ordinances and resolutions passed by the Council shall take effect at the time indicated therein, but not less than thirty (30) days from the date of their passage. An emergency measure is an ordinance or resolution to provide for the immediate preservation of the public peace, property, health or safety, in which the emergency claimed is set forth and defined in a preamble thereto. The affirmative vote of at least five (5) members of the Council shall be required to pass any ordinance or resolution as an emergency measure. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency measure. No situation shall be declared an emergency by the Council except as defined in this section, and it is the intention of this charter that such definition shall be strictly construed by the Courts.

Section 11. Authentication and Publication of Ordinances and Resolutions. Upon its final passage each ordinance or resolution shall be authenticated by the signature of the Mayor and City Clerk, and shall be placed in a book for that purpose. Within ten days after final passage, each ordinance and resolution shall be published at least once in such manner as the Council may prescribe by ordinance. Posting a copy at the front door of the City Hall and at one other conspicuous place in the City for a period of one day shall be sufficient publication, of any ordinance unless a different requirement is therein provided for.

CITY CLERK

Section 12. City Clerk-Method of Choosing—Term of Office. There shall be one (1) office of City Clerk and the City Clerk shall be ex officio the Tax Assessor and Tax Collector. Commencing with the regular municipal election in October, 1953, he shall

be nominated and elected for a term of four (4) years next following said election, and when thus elected he shall hold office until his successor is elected at four (4) year intervals thereafter. He shall receive such compensation as the City Council may prescribe by Ordinance, and such compensation thereby fixed shall not be diminished during his current term of office.

History: Ch. 29186, Laws of Fla., 1953.

Section 13. Duties and Powers of Clerk. It shall be the duty of the City Clerk to keep proper books and records of all the business and accounts of the City; and City Council shall prescribe the form of such books and accounts, and require the City Clerk to audit and balance the accounts thereof; the City Clerk shall be Clerk of the City Council, and attend all its meetings and proceedings, record and keep the minutes and records and perform the functions and duties required thereof, as may now or hereafter be prescribed by law or ordinance. The City Clerk shall issue all warrants for offenses against the City ordinances and he shall be the custodian of the seal of the City. He shall serve as Clerk of the Municipal Court. The City Clerk shall have power and authority to administer an oath to, and take affidavit of, any and all persons required by the Charter or ordinances of the City to make oath in connection with dealings and transactions with the City, including but not limited to the swearing in of City officials and witnesses in Municipal Court, or other inquisitorial proceedings, issuance of warrants, claims for homestead exemption and recall proceedings. The jurat, or certificate of proof of acknowledgment, shall be authenticated by the signature and official seal of the City Clerk.

History: Ch. 29187, Laws of Fla., 1953.

Section 14. Custody of City Money, Etc. The City Clerk shall collect, receive, have custody of and disburse all taxes, licenses, fees, and other moneys belonging to the City Government, subject to the provisions of the charter and ordinances enacted thereunder; all moneys received by any department or agency of the City for, or in connection with the business of the City Government shall be promptly delivered over to the City Clerk and placed into the City Treasury and be deposited with responsible banking institutions to be designated by the City Clerk, with the approval of the Council, in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance. All interest on moneys belonging to the City shall accrue to the benefit of the City Government. The City Clerk shall have custody of all sinking funds, investments and invested funds of the City, or in possession of the City in a fiduciary capacity and keep a record of such investments and have custody of all bonds and certificates of City indebtedness, including such bonds and certificates unissued or cancelled, and the receipt and delivery of City bonds and certificates for transfer, registration or exchange. He shall have authority and shall be required to maintain accounting control over the finances of the City Government; to examine and approve all contracts, orders, and other documents by which the

City incurs financial obligations, having ascertained before approval that moneys have been duly appropriated and allotted to meet such obligations and will become available when the obligations have become due and payable; to audit and approve all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the City Government and to determine the regularity, legality, and correctness of such claims, demands or charges; to make monthly reports of all receipts and expenditures of the City Government to the Manager and the Council and to make monthly reports on funds, appropriations, allotments, encumbrances, and authorized payments, to the Manager and the Council; and to perform such other duties pertaining to the financial records of the City Government as the Council may require by Ordinance.

Section 15. Assistant City Clerk. When deemed necessary the City Clerk shall be authorized to appoint one or more assistant City Clerks; the appointment and salary shall be approved by the City Council; such assistants shall be removable by the City Council; when appointed and qualified, the Assistant City Clerk shall have the power to exercise the duties of City Clerk and shall be under the immediate supervision of the City Clerk and perform such services as may be required by the City Clerk; the death, disability or suspension or removal of the City Clerk, shall not affect the power and authority of assistant City Clerks to perform any and all duties and exercise all power provided by the Charter and ordinances to be done and performed by the City Clerk.

ELECTIONS

Section 16. Municipal Elections. The first primary election for the choice of elective municipal officers to be elected by the electors of the city shall be held on the second Tuesday in October A.D. 1973, and in the event that a second primary election is ever required as hereinafter provided, the said second primary election shall be held on the fourth Tuesday in October, A.D. 1973, and said elections shall be held biennially thereafter on the same day. The council may by resolution order a special election, fix the time for holding same and provide all means for holding same. The polls shall open at seven o'clock A.M. on the day of the election and shall be kept open until seven o'clock P.M. the same day.

History: Ch. 29187, Laws of Fla., 1953; Ch. 59-1426 and Ch. 61-2338, Laws of Fla.

Section 17. Regulation of Elections. The Council shall make all needful rules and regulations, not inconsistent with this Charter, for the conduct of elections, for the prevention of frauds in elections, and for the recount of the ballots in case of doubt or fraud, and shall canvass the returns and declare the result thereof. Except as herein otherwise provided the municipal elections shall be conducted as nearly as practicable in conformity with the general laws governing State elections.

Section 18. Use of Voting Machines. It shall be permissible for the City Council to adopt and place in

use at any municipal election the method known as the mechanical balloting or voting machine in such manner as is now, or may hereafter be, authorized by the general laws of the State.

Section 19. Officers To be Elected. The officers to be elected at the municipal elections to be held in October 1961 shall be a mayor and six councilmen and a city clerk. The officers to be elected at every regular biennial election thereafter shall be only those officers whose terms of office then expire. The mayor and city clerk shall be elected every four years.

The city council shall be divided into six groups or seats as follows:

- Seat 1
- Seat 2
- Seat 3
- Seat 4
- Seat 5
- Seat 6

In qualifying for election to city council each candidate shall designate the seat for which he intends to run on the council. One city councilman shall be elected for each seat. Any number of candidates may qualify for any one seat, but no person shall qualify at the same time for more than one seat. Candidates for mayor and city clerk shall also designate and qualify for their particular office. If any candidate receives a majority of the votes cast for any particular seat or office at the first primary election, he shall be declared elected to said seat or office. However, if no candidate receives a majority of the votes cast for any particular seat or office at the first primary election the two candidates for each seat of the council as well as candidates for mayor or city clerk, receiving the two highest number of votes for that seat or for the office of mayor or city clerk shall have their names placed on the ballot for that seat or office at the second primary election. At the second primary election, the candidate receiving the highest number of votes for each council seat and for the office of mayor or city clerk respectively, shall be declared elected to such respective seat of the council or the office of mayor or city clerk. In both the first primary and second primary election, all electors shall be instructed to vote for one candidate for each separate seat or office.

History: Ch. 57-1457; Ch. 59-1426; Ch. 61-2338, Laws of Fla.

Section 20. Nominations. Any qualified elector of the city may be nominated to be a candidate for an elective office of the city by petition of any ten electors of the City. Nominations petitions shall be filed with the city clerk not earlier than thirty days nor later than fifteen days before the first primary election and shall be in the following form:

"We, the undersigned, ten electors of the City of Jacksonville Beach, hereby nominate _____ for the office of _____ (seat number if councilman), to be voted for at the election to be held on the _____ day of October A.D. 19____, and we individually certify that we are qualified to vote at such election.

Name _____"

(Designate nine other lines)

ACCEPTANCE OF NOMINATION

"I HEREBY ACCEPT the nomination for the office of _____ (seat number if councilman) and agree to serve if elected.

(Signature of Candidate)

"I HEREBY CERTIFY that the above petition was filed with me on the _____ day of _____, A.D. 19____.

City Clerk"

Any candidate may withdraw his nomination not later than the last day for filing nomination papers by filing a notice of withdrawal with the city clerk. Any candidate who has not withdrawn his nomination by the last day for filing nomination papers, cannot have his name removed from the official ballot.

History: Ch. 57-1457; Ch. 61-2338; Ch. 63-1478, Laws of Fla.

Section 21. Qualifications of Electors. All persons who possess the qualifications requisite to an elector at a general State election, and shall have resided in the City for six months next preceding the election shall be deemed qualified electors of said City; **provided they**

shall register in the municipal registration in the manner prescribed.

History: Ch. 23372, Laws of Fla., 1945.

Section 22. (a) Voters Qualified in Duval County Eligible to Participate in City Elections. All electors who qualify to vote in the state and county elections of Duval County in the year 1952, and who may become qualified from time to time thereafter and have their place of residence within the city limits of Jacksonville Beach, Florida, are eligible to participate in all special or general elections held by the city of Jacksonville Beach, except as otherwise provided herein, and will be qualified to vote in all special or general elections held by the City of Jacksonville Beach as long as they remain qualified voters of Duval County.

History: Ch. 29187, Laws of Fla., 1953.

(b) Who to be Supervisor of Registration. The person from time to time holding the office of Supervisor of Registration of the County of Duval is hereby constituted Supervisor of Registration of the City of Jacksonville Beach. In the event that the person holding the position of Supervisor of Registration of Duval County refuses the appointment to be Supervisor of Registration for the City of Jacksonville Beach, or shall the office of Supervisor of Registration for said City otherwise become vacant, the City Council may appoint another to act as Supervisor of Registration for the City of Jacksonville Beach, providing that in such event the appointment shall be for a period of not longer than two years.

(c) Duties of Supervisor of Registration. The Supervisor of Registration for the City of Jacksonville Beach, whether he also be the Supervisor of Registration of Duval County or not, shall, for all purposes whatsoever, have free access to and use of the original registration books and lists of Duval County bearing the signatures of all those who registered within the city limits of Jacksonville Beach. He shall cooperate with the Supervisor of Registration of Duval County in securing a proper list of freeholders in the city limits of Jacksonville Beach by securing the statement of each such registrant in Duval County as to whether or not such registrant is a freeholder of lands in the City of Jacksonville Beach. He shall have the power and authority to register all qualified electors, make such inquiries of persons desiring to register, touching their qualifications as electors, as are pertinent to a determination thereof, and administer the oath necessary therefor. He shall perform such other and further duties as may be prescribed by law. The said Supervisor of Registration shall cause the Registration Books to be open at the City Hall, or at some other convenient place within said City, for the registration of qualified electors of said City, on the first Monday in September, and shall cause said Registration Books to be closed on the last Friday in September, prior to the day of election. Prior to each occasion

on which the Registration Books are opened the Supervisor of Registration shall cause to be published in a newspaper published in said City, once each week for two (2) consecutive weeks, a notice specifying the time and place for the opening and closing of the Registration Books. Within five (5) days after the closing thereof the City Council may investigate such Registration Books for the purpose of ascertaining if the same contain the names of any persons who do not possess the requisite qualifications of electors of said City, and shall cause a list to be prepared of the names of any such persons which list shall be posted at the City Hall at least two days prior to the election, and also be furnished to the Clerk and Inspectors of the approaching election with appropriate instructions to prevent the persons therein named from voting at said election.

(d) Compensation of the Supervisor of Registration. The Supervisor of Registration of the City of Jacksonville Beach shall receive such reasonable compensation as may be agreed upon between him and the City Council of said City at the time of his appointment.

Section 23. Ballots. The City Council shall have the official ballots prepared and printed in substantial conformity with the general laws of the State applicable to general elections and shall have printed thereon the names of all candidates for whom nominating petitions have been filed as herein provided, and no others, but at the bottom of the printed names of candidates for each office, there shall be left blank spaces in a number equivalent to the number of candidates that may be elected to such respective offices.

Section 24. Clerk and Inspectors of Election. At least ten (10) days prior to election, the City Council shall appoint a sufficient number of Clerks and Inspectors of election as may be deemed necessary to conduct the election, and at said time fix the compensation to be paid them. Such clerks and inspectors shall be qualified electors of the City, but shall not be an officer or employee of said City.

Section 25. Vacancies. Should any vacancy occur in the Council or in the office of Mayor or of City Clerk other than by the recall provisions of the City Charter, the City Council shall elect a person to fill the vacant office until the next general election.

History: Ch. 23372, Laws of Fla., 1945.

Section 26. Oath of Office. Every officer of the City shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the City Clerk:

"I, _____, solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Florida; that I will, in all respects, observe the provisions of the

charter and ordinances of the City of Jacksonville Beach, and will faithfully discharge the duties of the office of _____."

THE RECALL

Section 27. Recall Provisions. Any elective officer of the City may be removed from office by recall.

Any elector of the City may make and file with the City Clerk an affidavit containing the name or names of any elective officer of the City whose removal is sought and a statement of the grounds for removal. The Clerk shall thereupon deliver to the elector making such affidavit copies of petition blanks demanding such removal, printed forms of which he shall keep on hand. Such blanks shall be issued by the Clerk with his signature and official seal thereto attached; they shall be dated and addressed to the Council and shall contain the name of the person to whom issued, the number of blanks so issued, and the name of the officer whose removal is sought. A copy of the petition shall be entered in a record book to be kept in the office of the Clerk. The recall petition to be effective, must be returned and filed with the Clerk within thirty (30) days after the filing of the affidavit. To be effective, the petition must also bear the signatures of electors of the City to the number of at least forty per cent (40%) of the number of electors who cast their votes at the last preceding regular municipal election.

History: Ch. 57-1457, Laws of Fla.

Section 28. Recall Election Ordered. If a recall petition, or amended petition as defined in Section 36 shall be certified by the City Clerk to be sufficient, he shall at once submit it to the Council with his certificate to that effect and notify the officer whose removal is sought of such action. If the officer whose removal is sought does not resign within five (5) days after such notice, the Council shall thereupon fix a day for holding a recall election. Any such election shall be held not less than forty-five (45) nor more than sixty (60) days after the petition has been presented to the Council, and at the same time as any other special or general election held within such period; but, if no such election is to be held within such period, the Council shall call a special election to be held within the time aforesaid.

Section 29. Candidates to Succeed Official Recalled. Candidates to succeed any official whose removal is sought, shall be placed in nomination by petition in the manner provided for nominating petitions for a regular municipal election, except that each petition paper shall specify that the candidate named therein is a candidate to succeed a particular official whose removal is sought.

Section 30. Ballots in Recall Elections. Ballots used at recall elections shall conform to the following requirements: With respect to the officer whose removal is sought, the question

to be submitted shall be, "SHALL (name of person) BE REMOVED FROM OFFICE OF _____ BY RECALL?". Immediately below such question there shall be printed on the ballots the two following propositions, one above the other, in the order here indicated:

"Against the recall of (name of person)"

"For the recall of (name of person)"

Immediately at the left of each proposition there shall be a square in which the elector by making a cross mark (X) may vote for either of such propositions. Under the second proposition shall appear the words, "CANDIDATES TO SUCCEED (name of person) IF RECALLED" and beneath such words directions to voters suitable for a regular election of official. The name of the official whose removal is sought shall not appear on the ballot as a candidate to succeed himself.

Section 31. Result of Recall Election. If a majority of the votes cast on the question of recalling an official shall be against his recall, he shall continue in office for the remainder of his unexpired term, but subject to recall as before. If a majority of such votes be for the recall of the officer indicated on the ballots, he shall, regardless of any defect in the recall petition, be deemed removed from office. When an official is removed from office by recall, the candidate to succeed such officer, declared elected after counting votes in the manner provided for a regular election, shall succeed for the unexpired term the officer so removed.

Section 32. Election When Member Resigns. If an officer in respect to whom sufficient recall petition is submitted to the Council shall resign within five days after notice thereof, the election shall be held as hereinbefore provided, except that all propositions in regard to the recall shall be omitted from the ballot and above the names of the candidates and before the directions to the voters shall appear the words: "CANDIDATES TO SUCCEED (name of person) RESIGNED."

Section 33. Limitations on Recall Petitions. No recall petitions shall be filed against an officer within three (3) months after he takes office, nor in respect to an officer subjected to a recall election and not removed thereby, until at least six (6) months after such election.

Section 34. Signatures to Petitions. The signatures to recall petitions need not all be appended to one paper, but to each separate petition, there shall be attached an affidavit of the circulator thereof, as provided by this section. Each signer of any such petition paper shall sign his name in ink or indelible pencil and shall indicate after his name his place of residence by street and number, or other description sufficient to identify the place. There shall appear on each petition the names and addresses of five electors of the City and on each paper the names and addresses of the same five electors, who, as a committee of the

petitioners, shall be regarded as responsible for the circulation and filing of the petition. The affidavit attached to each petition shall be as follows:

STATE OF _____)
COUNTY OF _____) SS
_____, being duly sworn,
deposes and says that he, and he only, personally circulated the foregoing paper, that all the signatures appended thereto were made in his presence, and that he believes them to be the genuine signatures of the persons whose names they purport to be.
Signed _____
(Signature of Circulator)

Sworn to and subscribed before me
this _____ day of _____, 19____.

Notary Public (or other officer
authorized to administer oaths)

The foregoing shall be strictly construed and any affiant convicted of swearing falsely as regards any particular thereof shall be punishable in accordance with existing law.

Section 35. Filing, Examination and Certification of Petitions. All petition papers comprising a recall petition shall be assembled and filed with the City Clerk as one instrument. Within ten (10) days after a petition is filed, the City Clerk shall determine whether each paper of the petition is properly attested and whether the petition is signed by a sufficient number of electors. The City Clerk shall declare any petition paper entirely invalid which is not attested by the circulator thereof as required by Section 34 of this Charter. Upon completing his examination of the petition the City Clerk shall certify the result of his examination to the Council. If he shall certify that the petition is insufficient he shall set forth in his certificate the particulars in which it is defective and shall at once notify the committee of the petitioners of his findings.

Section 36. Amendment of Petitions. A recall petition may be amended at any time within ten (10) days after the making of a certificate of insufficiency by the City Clerk, by filing a supplementary petition upon additional papers signed and filed as provided in case of an original petition. The City Clerk shall, within five (5) days after such an amendment is filed, make examination of the amended petition, and, if his certificate shall show the petition still to be insufficient, he shall file it in his office and notify the committee of the petitioners of his findings and no further action shall be had on such insufficient petition. The findings of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

CITY MANAGER

Section 37. Qualifications, Appointment, Term of Office. The Council shall appoint an officer

whose title shall be City Manager, and who shall be the chief administrative officer for the execution of the executive and administrative functions of the Council under the direction and supervision of the Council. The City Manager shall be chosen by the Council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter outlined, without regard to his political belief, and he need not be a resident of the City or State at the time of his appointment, but during his tenure of office, he shall reside within the City. No person elected to membership on the Council shall, subsequent to such election, be eligible for appointment as City Manager until one year has elapsed following the expiration of the term for which he was elected.

Section 38. Term of Appointment, Procedure for Removal. The City Manager shall receive as salary for his services such sums as may be fixed by ordinance and shall be appointed by affirmative vote of four members of the Council for an indefinite term, but may be removed by like vote of said Council. At least thirty days before such removal may become effective the Manager shall be furnished with a formal statement in the form of a resolution passed by a majority vote of the members of the Council, stating the Council's intention to remove him and the reasons therefor. The Manager may reply in writing to such resolution. If so requested by the Manager the Council shall fix a time for a public hearing upon the question of his removal and the final resolution removing the Manager shall not be adopted until such public hearing has been had. Upon passage of a resolution stating the Council's intention to remove the Manager, the Council may suspend him from duty, but his pay shall continue until his removal shall become effective as herein described. The action of the Council in removing the Manager shall be final. In case of the absence or disability of the Manager the Council may designate a qualified administrative officer of the City to perform the duties of the Manager during such disability or absence.

History: Ch. 24627, Laws of Fla., 1947.

Section 39. Responsibility of Manager—Powers of Appointment and Removal. The City Manager shall be responsible to the Council for the proper administration of all affairs of the City placed in his charge under this Charter, and to that end, and except as otherwise provided herein, he shall have the power to appoint and, subject to the limitations of the budget, fix the compensation of and remove all officers and employees in the administrative service of the City, provided that such action in respect to the heads of such departments of the City as may be designated by ordinance, shall be approved by vote of a majority of the members of the Council before becoming effective. The Manager may authorize the head of a

department, or officer responsible to him, to appoint and remove subordinates in such department or office. Appointments made by, or under the authority of, the City Manager shall be on the basis of executive and administrative ability, merit, fitness and of the training and experience of such appointees in the work which they are to perform. All such appointments shall be without definite term unless for provisional, temporary or emergency service.

Section 40. Discharge, Suspension, Etc., of Officers and Employees—Board of Appeal.

(a) Except for the City Manager, City Clerk, City Attorney, and Municipal Judge, any officer or employee of the City may be removed, discharged, suspended, demoted, reduced in pay, or fined, by the City Manager upon specification of detailed written charges of inefficiency, insubordination, absenteeism, neglect of duty, failure to properly perform any duty from time to time assigned, or any act of malfeasance, misfeasance or nonfeasance, stating the date when same is to be effective, signed by the City Manager and given to such officer or employee, or mailed to his usual place of residence. A copy of such action and charges shall also be simultaneously filed with the City Clerk who is hereby designated as ex officio secretary of the Board of Appeal hereinafter provided for. Such officer or employee shall have the right within three (3) days after receipt of a copy of such written notice and charges to appeal such action and charges to the said Board of Appeal by filing with the City Clerk before the expiration of said three (3) day period, a sworn petition, in duplicate, challenging the City Manager's action and the charges assigned in support thereof, and setting forth the facts relied upon by him in defense of the charges made against him, and thereupon the Board of Appeal shall, within three (3) days thereafter fix a time and place for a public hearing and investigation by and before said board, to be commenced not less than five (5) nor more than fifteen (15) days following the filing of such appeal petition, and cause the City Clerk to forthwith notify the City Manager and appellant of the time and place designated for such hearing. At such hearing the City Manager and appellant shall be accorded a full opportunity to support or defend the challenged action and the specific charges assigned in support thereof, and each may be represented by counsel and may cause witnesses to be subpoenaed to testify in their behalf concerning matters pertinent to the specific written charges and defenses filed as aforesaid. Immediately upon the filing of such appeal petition the City Clerk shall notify the members of the board of the pendency of such appeal, and a copy thereof shall be promptly delivered by the City Clerk to the City Manager, and to each member of the Board of Appeals.

(b) In connection with the performance of any duty hereunder, each member of the Board

of Appeal and the City Clerk shall have power to administer oaths, to issue subpoenas, to compel the attendance of witnesses, and the production of books, papers and documents and other matters and things relevant to any hearing or investigation being conducted by it. Five members of the said Board shall constitute a quorum. If for any reason the full membership of the board fails to attend a duly scheduled meeting for hearing and considering a pending appeal then those members in attendance shall have the power and authority to appoint a person possessing the qualifications requisite to appointment to the board as a replacement for the absent member as to that particular meeting.

(c) At the conclusion of the investigation and hearing by the Board of Appeal, it shall, by majority vote, make its findings either sustaining or overruling the action and charges appealed, and file written report thereof, in triplicate, with the City Clerk, who shall deliver a copy thereof to the City Manager and appellant, each of whom shall forthwith comply with the findings of the board. In the event the Board of Appeal sustains the appeal, the appellant shall be immediately reinstated and shall receive full credit and compensation for all the time lost by reason of the action appealed, but in the event the board overrules the appeal, then the action of the City Manager shall stand as final. Copies of the aforementioned written charges appeal petition and findings of the Board of Appeal shall be kept on file in the office of the City Clerk as public record.

(d) An Employees' Board of Appeal for the City is hereby created, to be composed of five members, all of whom shall be qualified electors of the City and shall serve without compensation unless otherwise provided by City Council. Two members of said board shall be persons of different vocations not employed by said City in any capacity for which said persons receive any compensation, and shall be appointed by the City Council of said City, and shall be so appointed in the first instance for terms of one and two years, respectively, and thereafter in each instance the term shall be for two years. Said two persons shall be appointed within thirty days after the effective date of this Act, and thereafter, on or before the expiration date of the term of the member currently expiring. The third and fourth members of said board shall not be employed by said City in any capacity and shall be elected to membership to said board by the vote of the regularly employed employees of the said City. The term of said third and fourth members shall be for one year. The two members of the board, first appointed, shall appoint the judges and clerk for the election of said third and fourth members, and the time for said election shall be set by the two members first appointed to said board, and thereafter said election shall be held on that date each year, or such other date as may be designated by the City Council. The vote shall be canvassed on the following

day after said election. The two candidates receiving the greatest number of votes shall be declared elected. Within five (5) days following said election the four members respectively appointed or elected as aforesaid shall appoint a fifth member who shall not be employed by said City in any capacity and whose term shall be for one year.

(e) Immediately after the appointment and election of the first board as hereinabove set forth, and in each subsequent year, the board shall organize by electing one of its members as chairman to hold office until the election and qualification of his successor at the next organization meeting of the said board. In the event the office of the board member who shall be chairman shall become vacant, a new chairman shall be elected by the board immediately after such vacancy shall be filled.

(f) Whenever a vacancy caused by death, resignation, disqualification or otherwise, shall occur in the membership of the Board of Appeal, such vacancy for the unexpired terms shall be filled in the same manner as the office was previously filled.

(g) Any qualified voter of the City of Jacksonville Beach, Florida, over the age of twenty-one years, shall be eligible to hold office as a member of the Board of Appeal, provided that no person who has been convicted of a felony or who is or has been within one year prior to his election or appointment an officer or employee of the said City, shall be eligible for election or appointment to such office. Violation of any trust by any member of the Board of Appeal or any act of misfeasance, malfeasance or nonfeasance in office shall be grounds for his removal by the City Council.

(h) The City Council of said City is hereby required annually to appropriate and provide, upon requisition of the board, a sufficient sum of money to enable said Board of Appeal to organize and discharge its functions as herein provided, including the procurement of such clerical and stenographic help as may be reasonably required.

History: Ch. 29186, Laws of Fla., 1963.

Section 41. Council Not to Interfere in Appointments or Removals. Subject to the provisions of Section 40 hereof, neither the Council nor any of its committees or members shall direct or request the appointment of any person to, or his removal from, office by the City Manager or any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the City. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the Manager, and neither the Council nor any members thereof shall give orders to any subordinate of the City Manager either publicly or privately. Any violation of the provisions of this section by a member of the Council shall be a misdemeanor, conviction of which shall

immediately forfeit the office of the member so convicted.

Section 42. Duties of the Manager. It shall be the duty of the City Manager to act as chief conservator of the peace within the City; to supervise the administration of the affairs of the City; to see that the ordinances of the City and the laws of the State are enforced; to make such recommendations to the Council concerning the affairs of the City as may seem to him desirable; to keep the Council advised of the financial condition and future needs of the City; to prepare and submit to the Council the annual budget estimate; to prepare and submit to the Council such reports as may be required by that body; and to perform such other duties as may be prescribed by this Charter or required by him by ordinance or resolution of the Council, not inconsistent with this Charter. Nothing herein shall be construed to confer or impose upon the City Manager any of the powers, duties, or functions herein provided to be exercised or performed by any other elective or appointive officer of the City.

Section 43. Right of Manager and Other Officers in Council. The City Manager and such other officers of the City as may be designated by vote of the Council, shall be entitled to seats in the Council, but shall have no vote therein. The Manager shall have the right to take part in the discussion of all matters coming before the Council, and the heads of all departments and other officers shall be entitled to take part in all discussions of the Council relating to their respective departments and offices.

Section 44. Investigations by Council or Manager. The Council, the Manager or any person or committee authorized by either of them, shall have the power to inquire into the conduct of any department, office or officer of the City and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence. Failure to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a misdemeanor and shall be punishable by a fine not to exceed fifty dollars (\$50.00) or by imprisonment not to exceed thirty (30) days, or both. Any officer, person or committee conducting the investigation shall report to the City Council all violations or neglect of duty, or any misfeasance, malfeasance or nonfeasance in office, or improper conduct on the part of any City official that may come to his or its knowledge.

CITY ATTORNEY

Section 45. City Attorney—Appointment by Council. There is hereby created the office of city attorney, which said city attorney shall be appointed by the affirmative vote of four (4) members of the City Council every four (4) years at its first regular meeting in January

beginning January 1961. The term of office shall be four (4) years and shall begin on the first day of February in the year of the appointment. The city attorney shall be subject to removal for cause by the city council in accordance with the procedure applicable to the removal of the city manager as set forth in Section 38 of this charter.

History: Ch. 29187, Laws of Fla., 1953, and Ch. 59-1427, Laws of Fla.

Section 46. Qualifications. The City Attorney must be a lawyer legally admitted to practice in the several courts of the State of Florida.

History: Ch. 23372, Laws of Fla., 1945.

Section 47. Compensation. The City Attorney shall receive an annual retainer to be fixed by the City Council and such fees for special or extraordinary services rendered to or on behalf of the City as may be specifically authorized by the City Council.

Section 48. Duties of City Attorney. The City Attorney shall act as the legal advisor and counsellor for the municipality and all of its officers in matters relating to their official duties. He shall prepare all contracts, bonds and other instruments in which the municipality is concerned and shall endorse on each his approval of the form and correctness thereof. When required so to do by resolution of the City Council, he shall prosecute and defend, for and in behalf of the City, all complaints, suits, controversies and proceedings in which the City is a party. He shall furnish the officers or the heads of any departments of the City his opinion on any question of law relating to their respective powers and duties.

MUNICIPAL JUDGE

Section 49. Council to Appoint — Term — Duties. There is hereby created the office of municipal judge which said municipal judge shall be appointed by the affirmative vote of four (4) members of the city council every four (4) years at its first regular meeting in January beginning January 1960. The term of office shall be for four (4) years and shall begin on the first day of February in the year of the appointment. The municipal judge shall be subject to removal for cause by the city council as set forth in Section 38 of this charter. He shall receive such compensation for his services as may be fixed by ordinance. He shall have power by his warrant to have brought before him any person or persons charged with the violation of a city ordinance, and to require the attendance of witnesses for the City and the accused; to administer oaths, to take affidavits, and to inquire into the truth or falsity of all charges preferred; to decide upon the guilt or innocence of the accused and to fix and enforce by penalty the sentence prescribed by law and the ordinances of the city; to have and exercise all powers incident and usual to the due enforcement of his jurisdiction. Appeals from the judgment and sentence of said judge shall be taken in time and manner as prescribed by law, but all appeal bonds shall be submitted to him, and if approved by him, said appeals shall operate as a supersedeas. He shall keep a record of his official acts, substantially setting forth the charges

preferred against the parties brought before him by warrant or otherwise, and of the judgment rendered in each and every case. The City Clerk shall keep a docket upon which shall be entered all causes tried in said court; said docket shall show by appropriate entries thereon the style of the cause, the nature of the offense, the judgment of the court, the amount of fines and costs, the satisfaction of the judgment, whether by payment of the fines and costs or by committal or by pardon or release by and under the direction of the City Council. The docket shall also show the names of the complaining witnesses in each case and the date of appeal if granted. A sworn or verified complaint shall not be necessary to give the municipal judge jurisdiction of the offenses triable in that court, but the accused may be tried for the offense as docketed, provided such docket entry is sufficient to put the accused upon notice of the offense with which he is charged. The municipal judge shall have authority to release to bail persons arrested for violation of city ordinances, and to fix the amount of bail bonds, such bail bonds not to exceed five hundred dollars (\$500.00). In the event of an appeal from the judgment of the municipal court, the municipal judge shall have authority to fix the amount of a supersedeas bond not to exceed double the amount of the fine that may be imposed for the offense of which the appellant has been adjudged guilty. In the event of absence, disability or disqualification of the municipal judge, the city council may designate by resolution a substitute municipal judge during such absence, disability or disqualification, and said substitute municipal judge shall have the power and authority during such time to perform any and all duties and exercise all powers provided by charter and ordinances to be done and performed by the municipal judge.

History: Ch. 23372, Laws of Fla., 1945; Ch. 24627, Laws of Fla., 1947; Ch. 30888, Laws of Fla., 1955; Ch. 59-1427, Laws of Fla.

BUDGET AND FINANCE

Section 50. Fiscal Year. The Council may by ordinance establish any fiscal and budget year for the city, now known also as the second urban services district unless otherwise provided by general law.

History: Ch. 24627, Laws of Fla., 1947.

Section 51. Budget. It shall be the duty of the City Manager to furnish to the City Council, each year, on or before the first regular meeting of the City Council in October of each year, or as soon thereafter as practicable, itemized estimates of the financial needs of each department of the City, and thereupon the City Council shall consider such estimate and shall adopt a budget for the ensuing year, and the budget so adopted shall be deemed and considered as an appropriation for each department, and the legal limit of expenditures by the City Government. The budget for the City Government shall present a complete financial plan for the ensuing fiscal year. It shall set forth all proposed expenditures for the administration, operation and maintenance of all departments and agencies of the City Government for which appropriations are required to be made or taxes levied by the City Government; all expenditures for capital

projects to be undertaken or executed during the fiscal year; all interest and debt redemption charges during the fiscal year; and the actual or estimated operating deficits from prior fiscal years. In addition thereto the budget shall set forth the anticipated income and other means of financing the total proposed expenditures of the City Government for the fiscal year.

History: Ch. 24627, Laws of Fla., 1947.

Section 52. Transfer of Appropriations. The Council may, upon the recommendation of the Manager, transfer any unencumbered appropriation balance or any portion thereof within a department or agency of the City Government or from one Department or agency to another.

Section 53. Money to be Drawn From Treasury in Accordance With Appropriation. No money shall be drawn from the treasury of the City, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation ordinance or of such ordinance when changed as authorized by the next preceding section of this Charter. The City shall be prohibited from employing or appropriating the taxes and revenues of said City in any other manner than for purposes strictly municipal and local, according to the provisions of this Charter. At the close of each fiscal year, any unencumbered balance of an appropriation shall revert to the fund from which appropriated and shall be subject to reappropriation; but appropriations may be made by the Council, to be paid out of the income of the current year, in furtherance of improvements or other object or works which will not be completed within such year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

Section 54. Purchase Procedure. Before making any purchases or contract for supplies, materials, equipment, or contractual services, opportunity shall be given for competition, under such rules and regulations and with such exceptions, as the Council may prescribe by ordinance. All expenditures for supplies, materials, equipment, or contractual services involving more than \$750.00 shall be made on a written contract, and such contract shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance, but no such contract shall be valid or effectual in law unless the approval or ratification thereof is entered upon the minutes of the council.

History: Ch. 59-1427, Laws of Fla.

Section 55. Issuance of Bonds. The City may issue bonds to pay for any property or public improvement which it may lawfully acquire or construct, to pay for any improvement the cost of which is to be assessed wholly or in part against abutting or benefiting property, or to fund or refund any indebtedness outstanding at the time this Charter takes effect for which inadequate provision for payment has been made; but no bonds shall be issued to pay current expenses. All bonds of the City shall be authorized by an ordinance passed by an affirmative vote of at least five (5) of the members of

the Council. Bonds for the acquisition of property, or the construction of improvements, shall be issued for a period not to exceed the probable usefulness of the property or improvement for which they are used; but in no case shall bonds be issued for a longer period than thirty (30) years. All bonds hereafter issued by the City shall mature in annual installments and the first installment of principal shall fall due and be payable not later than two years after the date of issue. The City Council shall make such provision for providing a sinking fund for the punctual payment of said bonds as it deems advisable.

Section 56. Temporary Borrowing. When deemed necessary, the Council may by ordinance authorize the issuance of certificates of indebtedness or notes in anticipation of the collection of taxes or of special assessments, provided that the amount of such obligations shall at no time exceed one-half of one per cent of the assessed value of taxable property in the City, according to the last assessment roll preceding said loan. Such obligations shall be a first lien upon the proceeds of such taxes or assessments, and shall mature within thirty days after such taxes or assessments become collectible.

Section 57. Contracts for City Improvements. Any City improvement costing more than seven hundred fifty dollars (\$750.00) shall be executed by contract, except where such improvements is authorized by the Council to be executed directly by a City department in conformity with detailed plans, specifications and estimates. All such contracts for more than seven hundred fifty dollars (\$750.00) shall be awarded to the lowest responsible bidder, after such public notice and competition as may be prescribed by ordinance, provided the City Manager shall have the power to reject all bids and advertise again. Alterations in any contract may be made when authorized by the Council upon the written recommendation of the Manager.

History: Ch. 59-1427, Laws of Fla.

Section 58. Contracts Extending Beyond One Year. No contract involving the payment of money out of the appropriations of more than one year (other than renewals of continuing appropriations), shall be made for a period of more than ten (10) years; nor shall any such contract be valid unless made or approved by ordinance.

Section 59. Independent Audit. As soon as practicable after the first days of January and July of each fiscal year, an independent audit shall be made of all accounts of the City Government by qualified public accountants, selected by the Council, who have no personal interest directly or indirectly in the financial affairs of the City Government or of any of its officers.

Section 60. Municipal Advertising. The City Government is hereby authorized and empowered to appropriate in and by its annual budget, for municipal advertising a sum not in excess of two mills on each dollar of the assessed value of all property in said City; and any appropriation or expenditure made

pursuant hereto is hereby declared to be for a municipal purpose.

History: Ch. 24627, Laws of Fla., 1947.

Section 61. Contracts Prohibited. The City Government shall not employ or contract with any elective official of the City.

Section 62. Execution of Contracts. All contracts, bonds or other documents to be executed for or on behalf of the City of Jacksonville Beach, shall be signed by the Mayor and City Manager and attested by the City Clerk with the seal of the City.

Section 63. Checks, Vouchers or Warrants. All checks, vouchers or warrants drawn against funds of the City must be duly audited before issuing same and must be signed by the City Clerk and City Manager, provided that the City Council may by resolution designate one of its members who shall be authorized to sign checks, vouchers, or warrants above referred to in the place and stead of any one of the foregoing who may be absent or disabled. Provided that the only exception to the above required two (2) signatures is that all individual salaried payroll checks need only be signed by the City Clerk. In all other events, checks, vouchers and warrants must be signed by two (2) persons.

History: Ch. 23372, Laws of Fla., 1945; Ch. 30888, Laws of Fla., 1955; Ch. 59-1427, Laws of Fla.

TAXATION

Section 64. General Powers of Taxation. The City of Jacksonville Beach shall have the power and authority to raise by tax and assessment upon all real and personal property in its corporate limits, all sums of money which may be required for the improvement and government of such City, and for the purpose of carrying out the powers and duties now or hereafter provided in its corporate Charter. or by law.

Section 65. Manner of Assessment and Tax Limitation. The City of Jacksonville Beach shall be

empowered and is hereby authorized to make its own assessment of property for taxation and all property shall be assessed at its full cash value, without regard to the valuation placed thereon by the County Tax Assessor; the total tax levied upon any property in any one (1) year shall not exceed one (1) per cent of such assessed valuation, but this provision shall not be so construed as to prevent the City from making special assessments of property for improvements, as may be provided for in its Charter or by law; that in assessing real property within the corporate limits, any parcel of property erroneously left off the tax rolls may be restored thereto by the Tax Assessor, and the taxes assessed for not more than two (2) preceding tax years. The assessment shall be made upon all real property by its legal description sufficient for its identification, and shall include all lands not exempt from taxation by the Constitution and Laws of Florida. It shall not be necessary to describe personal property assessed for taxation, and the term "personal property" shall be a sufficient description to sustain any listing and assessment of personal property of any person, firm or corporation.

History: Ch. 30888, Laws of Fla., 1955.

Section 66. Tax Return. All persons, firms or corporations holding property whether real or personal, subject to taxation by the City of Jacksonville Beach, are hereby required to make a tax return of the same to the City Tax Assessor, between the 1st day of January and the 15th day of March, annually.

Section 67. Requirements of Return. Such tax return shall be made upon and in compliance with blanks prepared therefor and furnished by the City Tax Assessor of the City of Jacksonville Beach, and shall contain a complete list of all the property taxable by the City belonging to such person, firm or corporation, on January 1st, preceding the date of making such return, giving separately the description of each separate lot or parcel of real estate. The description of the property thus returned may

be considered by the City Tax Assessor in making assessments, but he shall not be bound thereby. Should any person, firm or corporation omit to make a tax return within the time required, the City Tax Assessor shall assess all property not thus returned in the name of the owner, if the name of the owner shall be known to him and where the name of the owner is not known to him, he may assess in the name of the supposed or reputed owner or occupant, or as belonging to unknown owner, and in case where the real owner has failed to make return of the property, as herein required, the assessment made by the Tax Assessor shall be deemed and held to be binding upon such owner or owners, and conclusive unless complaint is made of such assessment and valuation on the day and in the manner provided for receiving petitions for the correction of assessments by the City Council, prior to the adoption of any annual tax roll.

Section 68. Preliminary Assessment Roll—Equalization and Manner of Fixing Rate of Taxation. It shall be the duty of the City Tax Assessor to make up an assessment roll of all the property situated within the City and subject to taxation by it as of January 1st of each year, identifying the parcels, lots and tracts by appropriate descriptions; the assessment roll so made up by the City Tax Assessor shall be known as the preliminary assessment roll, and as such shall be certified and submitted to the City Council at its first regular meeting in the month of May in each year subsequent to the effective date of this Act. As soon as practicable after the preliminary assessment roll shall be certified and submitted by the Tax Assessor to the City Council, the Tax Assessor shall cause to be published in a newspaper or by posting at the City Hall and two other public places in the City of Jacksonville Beach, notice that the preliminary assessment roll has been made up and submitted to the City Council to be approved and requiring all persons desiring to have corrections thereof made, whether in the listing, valuation or property or otherwise, to file with the City Tax Assessor on or before the day to be named in such notice, which day shall not be less than ten (10) days after the first publication or posting of said notice, petitions in writing to the City Council setting forth objections to the assessment shown in the preliminary assessment roll and stating the correction that they desire to be made. Said notice shall be published daily for four consecutive days, in some newspaper published in Duval County, or posted as aforesaid, and said notice shall name a time and place where the City Council shall meet for the purpose of acting upon the petition, making the proper corrections and equalizing the assessments. From the date of the first publication of said notice, to and including the time of such meeting of the City Council, the assessment roll shall be open to the inspection of the public during reasonable office hours. All petitions for correction of

assessments so filed with the City Tax Assessor, shall be by him delivered to the City Council and the City Council, by committee or otherwise, shall investigate concerning the same, and upon the day named therefor in the notice shall meet and sit as the Tax Equalizing Board for the purpose of considering and acting upon all petitions, correcting any assessment and equalizing the assessment, and shall make such changes in the listing and valuation of the property as may be necessary to the proper, just and legal equalizing of such assessment. The preliminary assessment roll so corrected by the City Council after the same has been adopted and approved, shall be and become the tax roll of the City and conclusive as to all and singular the assessments of the taxable property therein listed. As soon as practicable after such approval and adoption of the assessment roll by the City Council, the City Council shall determine and fix the rate of taxation, and make the annual tax levy of the year. The City Council may levy a tax to be listed as a whole, or may make special levies for particular purposes as to them shall seem best. The approval and adoption of the assessment roll, and the fixing of the rate of taxation shall be by ordinance, which ordinance shall approve and adopt the assessment roll and determine and fix the rate of taxation and make the annual tax levies of the current year, and shall contain the authority and direction to the City Tax Collector to collect out of the property and from each of the persons, or parties named in the annual tax roll accompanying such ordinance, the taxes set down in such annual tax roll opposite each name or lot, parcel or tract of land therein described, and shall command the City Tax Collector, in case the taxes so imposed are not paid at the time prescribed by law, to collect the same in such manner as provided by law, and to account for all sums of money collected as the City Tax Collector of the City of Jacksonville Beach at the time and in the manner as shall be required by ordinance.

Such ordinance accompanying the annual assessment and tax roll, shall be had and taken as conclusive of the regularity of the adoption of the assessment roll; determining and in fixing the annual tax rate, and the authority of the Tax Collector to collect the amounts of money therein mentioned.

Section 69. Council to Prescribe Form of Assessment Roll. The City Council may, by ordinance, prescribe the form of assessment roll to be made up by the Tax Assessor, and the City Council shall provide for furnishing to the Tax Assessor blank assessment roll books and maps, or any clerical assistance that may be required from time to time by the Tax Assessor in the performance of his duties, and in the making up of the Tax Assessment Roll.

Section 70. Validation of Former Assessments. The Tax Assessment Roll for the assessment and collection of taxes for the year

1937-1938 shall be made up by the City Clerk as Tax Assessor, in accordance with the procedure in force in the Charter and Ordinances of the City of Jacksonville Beach at the time that this Act goes into effect, and the assessment of taxes in such manner for the year 1937-1938 is hereby authorized and validated in all respects; all prior assessments and all tax levies theretofore made by and due to the City of Jacksonville Beach, are hereby ratified and validated and declared to be valid and existing liens against the land and property for the amounts set forth in and upon the tax assessment rolls of the said City.

Section 71. Form of Assessment Roll. The Assessment Roll, when made up for the year 1938-1939 and subsequently, shall be in accordance with this act, and shall be ruled in columns with appropriate heading showing the year of the assessment, owner, description of land, valuation, personal property, valuation, millage, total tax, exemption claimed, date of payment and number of receipt.

Section 72. Preliminary Roll—How Prepared. That upon preparing the preliminary assessment roll for the year 1938-1939, and all subsequent years, the Tax Assessor is authorized and required to retain the listing of all property set up in the Tax Roll, approved by the City Council as the Tax Roll for the preceding year, and shall make any additions thereto as may be required to list thereon all of the real and personal property subject to taxation by the City of Jacksonville Beach, and also make any changes in name of any owner or description as may be required by the tax returns filed with the Tax Assessor, or such changes as may be required for the correction of errors or omissions as may come to his notice. The Tax Assessor shall examine each item of property listed on such assessment roll, and consider the valuation to be placed thereon for the purpose of the assessment of such property for taxation for the year for which the roll is prepared. That upon completion by the Tax Assessor of such additions, changes in ownership or description, and the correction of any errors or omissions, all of such matters shall be set down by the Tax Assessor in the columns provided on the tax assessment roll, together with his valuation of all lands and personal property therein mentioned, all of which shall be certified by the Tax Assessor to the City Council of the City of Jacksonville Beach, as the preliminary assessment roll, and to which preliminary assessment roll the City Tax Assessor shall attach his certificate in the following form:

"I, City Clerk and City Tax Assessor of the City of Jacksonville Beach, do hereby certify that the foregoing is the assessment of the taxable property in the City of Jacksonville Beach, valued at its full cash value, and that it contains a true and correct description of all property in the City of Jacksonville Beach, subject to taxation

by the said City, or liable to be assessed therein; that the listing and valuation in said roll shows correctly and accurately the listing and valuation as made up, corrected and adopted by me as such Tax Assessor, which is herewith submitted to the City Council for approval and adoption as the Tax Assessment Roll of the City of Jacksonville Beach for the year of _____.
Dated this _____ day of _____.

City Clerk and Tax Assessor
City of Jacksonville Beach."

Section 73. Annual Relisting of Taxable Property. The City Council is hereby authorized to provide for and require the relisting of all taxable property on the tax assessment roll by the Tax Assessor, in accordance with this Act for the year 1938-1939, and every year thereafter.

Section 74. Time for Payment of Taxes—Discount Allowed. City taxes shall be and become a lien upon the property upon which said taxes are assessed as of the first day of January of the year for which said taxes are assessed. Said taxes shall be and become due and payable on July first, and may be paid up to and including January first of the year following without penalty. The taxpayers shall be entitled to the following discounts: By payment during the months of July or August the sum of two per cent (2%) shall be deducted; by payment in September or October the sum of one per cent (1%) shall be deducted. After January 1st, all unpaid taxes shall become delinquent, and a penalty of one per cent (1%) per month shall be added to the amount of the taxes unpaid and delinquent.

History: Ch. 23372, Laws of Fla., 1945.

Section 75. Notice of Delivery of Tax Roll to Collector. As soon as the tax assessment roll may come into the hands of the Tax Collector, he shall give notice that the tax assessment roll is in his hands for collection, at the City Hall at Jacksonville Beach, and such notice shall be published in one or more newspapers once a week for four consecutive weeks or by posting such notice at the City Hall and at two other conspicuous places in the City for a period of thirty (30) days, which notice shall in substance contain the discounts and penalties accruing to the taxpayer, and such other matters as the Tax Collector may deem advisable.

Section 76. Lien Conferred. Any assessment of taxes, together with the penalty, interest and cost of collection levied by the City of Jacksonville Beach, shall be and remain a lien upon the property assessed, superior to all other liens or claims, until the same shall be paid.

Section 77. Responsibility for Collection of Taxes. The City Council of the City of Jacksonville Beach shall have the exclusive power and it shall be the duty of such Council to cause

to be collected by law or otherwise all delinquent taxes, or other money due the City.

Section 78. Foreclosure of Delinquent Taxes.

(a) Beginning with the City taxes of the City of Jacksonville Beach which shall become delinquent on January 1, 1946, the City Clerk of the City of Jacksonville Beach shall, except as herein provided, proceed in the collection of delinquent City taxes substantially in the same manner as now provided by law for the collection of delinquent State and County taxes and sale of property for the nonpayment of taxes due the State and County. He shall give all notices required by law, and sell the real property of delinquents in the manner now provided by law pertaining to delinquent State and County taxes, and give to the purchaser a certificate substantially in form now provided by law for State and County taxes. He shall prepare in triplicate a report of tax sales of real property for each year; one of which he shall retain; one shall be filed with the City Council and the other delivered to the City Manager. At all sales of land for unpaid City taxes, in the absence of purchasers therefor, the lands shall be bid in by the City Clerk, and certificate issued accordingly. City tax certificates shall be of equal dignity with State and County tax certificates issued upon the same property, and with all liens for taxes previously levied for City taxes, and in the case of foreclosure of either State and County or City tax certificates, shall share alike in the proceeds of the sale.

(b) **Redemption Purchase or Foreclosure of Tax Certificates.** Said tax certificates may be redeemed, purchased or foreclosed in the same manner and form, and upon the payment of the same costs and fees as now provided, or as may hereafter be provided by law for the redemption, purchase and foreclosure of State and County tax certificates.

(c) **When and How Tax Deed May be Obtained; Fees and Costs.** The holder of any City tax certificate provided for in the foregoing section at any time two years after the date of its issuance, may obtain a tax deed to the land therein described by making application to the City Clerk and paying the fees therefor, all in the manner and form as is now or as may hereafter be provided by law for application for tax deeds upon State and County tax certificates, and the City Clerk shall issue such deed in the name of City of Jacksonville Beach, and in the same manner and form and upon the same conditions as provided by law for the issuance of tax deeds upon State and County tax certificates, and shall charge and collect the same fees and costs as now provided, or as may hereafter be provided by law, for the issuance of tax deeds upon State and County tax certificates.

(d) **Payment of Taxes and Special Assessment Liens Before Obtaining Tax Deed.** Any person applying for a city tax deed under the provisions of this Act shall first pay all taxes

and special assessment liens legally levied by the City of Jacksonville Beach upon the property in question.

(e) **When Sales of Tax Certificates to be Held; Adjournment.** The sale of City tax certificates held under this Act shall be held upon the first Monday of March, 1946. Sales may be adjourned from day to day until all certificates are sold.

(f) **Tax Certificates to Include Special Assessments.** City tax certificates issued under the provisions of this Act shall not only include City taxes for the year for which the same are severally issued, but also shall include any portion of any special assessment or assessments having been transferred to the tax rolls for the year for which said several tax certificates are issued.

History: Ch. 23372, Laws of Fla., 1945.

Section 79. Remedies for Enforcing Obligations Due City. The City of Jacksonville Beach shall, in addition to the power and authority to collect and enforce its liens for taxes in chancery, also have the power and authority to institute suit at law in any court having jurisdiction of the amount involved, in the name of the City of Jacksonville Beach for the collection of any taxes, liens, assessments, debts, or obligations due by any person, firm or corporation to the City of Jacksonville Beach, and may institute such suit by attachment or garnishment, as provided for under the laws of the State of Florida or cause such writs to issue as an ancillary remedy to the institution of such suit at law.

Section 80. Collection of Occupation, Privilege and Personal Taxes. The City of Jacksonville Beach shall have authority to, under the hand of the City Tax Collector, and the seal of said City, issue distress warrants directed to any sheriff, constable or the Chief of Police of the City of Jacksonville Beach, requiring either of such officers to levy upon and seize so much of the personal property found within the City limits, of the person therein named, as shall be required to satisfy any occupation or privilege tax or taxes on personal property that may be due and delinquent. The sale of goods or services in the City from trucks or conveyances, or otherwise, shall constitute a transaction justifying and authorizing the fixing, levying and collection of a license tax. The officers named shall have the power and authority to execute such warrant by levying upon and seizing such property until sale or redemption. It shall be the duty of such officer to give not less than fifteen days notice of the time and place of sale at public outcry to the highest bidder for cash; such notice shall be delivered to the person in whose possession the property seized is found, and also shall be posted at the door of the City Hall and two other public places. If not redeemed by the owner, the officer at the time mentioned in the notice shall offer for

sale and sell so much of such property under distraint as will satisfy the amount of the execution, and the cost of seizing and keeping the property and of the sale. The officer executing such distress warrant shall be entitled to the same fees as are allowed the sheriff by State law. Any surplus derived from the sale of such property, after the payment of the distress warrant and cost, shall be deposited to the credit of the owner, or reputed owner, with the City Tax Collector. Any claimant of the surplus of such sales shall be required to give bond guaranteeing ownership of the claimant.

History: Ch. 23372, Laws of Fla., 1945; Ch. 57-1457, Laws of Fla.

Section 81. Power to Grade and Fix License and Occupation Taxes. The City of Jacksonville Beach is hereby authorized to levy and enforce license or occupational taxes upon any and all occupations, businesses or professions, and to grade and fix the amounts in the same manner that the Legislature of the State of Florida could impose such licenses or taxes for State purposes.

Section 82. Boardwalk Area Franchise Tax. The City Council of the City of Jacksonville Beach is hereby authorized to levy and assess for use of its boardwalk area, on any part of its public beach, a short term or annual franchise tax or license to be determined by such City Council at a fixed sum, or by a percentage of the income of the licenses.

Section 83. Prohibition Against Alteration of Tax Roll or Extending Payment. The Corporate officers of the City of Jacksonville Beach shall have no authority or power to alter or change the tax assessment roll, or the amount of taxes therein levied, after the approval and adoption of such tax roll and its delivery to the City Tax Collector, and shall have no power to extend the time for payment of such taxes.

Section 84. Liens Are Negotiable. All liens held by the City of Jacksonville Beach against lands and property, entered in the Improvement Lien Book in accordance with the Charter and Ordinances, shall be negotiable and assignable and may be transferred and sold by the City Council by ordinance, as and for security and for the redemption and payment of serial improvement bonds, or other obligations incurred by the City in making municipal improvements authorized to be made by Charter; the City Council may provide by ordinance for the acceptance of payment of all such liens in partial payments and installments of not less than an annual payment of one-twentieth (1/20th) of the whole amount of the lien, together with the interest due and accruing which shall be the same rate as is specified in the issue of serial improvement bonds which such liens shall secure; or that the negotiation and sale of such liens may be absolute if so provided by the Ordinance negotiating any sale thereof; that any ordinance authorizing payment of such

liens in partial payment or installments shall provide that if default is made in the payment of any installment when due, the whole amount of such lien remaining due and unpaid, together with the interest thereon, shall be and become due forthwith, and payment demanded, enforced and collected by the City of Jacksonville Beach, or if assigned in the name of such City by the assignee of any such lien or the holder of any serial improvement bond; collection shall be made in the same manner as is provided by Charter and by law for the collection of delinquent taxes, liens, and assessments due the City; all cost of collection, including reasonable fees for the services of the attorney or solicitor enforcing such lien, shall be included.

This section shall not be construed to be restrictive and the City of Jacksonville Beach shall also have the power and authority to apply any and all provisions of its Charter, and the general laws governing the powers of Cities and Towns, in making assessment for public improvements and negotiating, securing and collecting such liens and assessments, and the issuance of certificates of indebtedness or improvement bonds.

Section 85. City Clerk Ex-Officio Tax Assessor. The City Clerk of the City of Jacksonville Beach shall have all of the power and authority to perform the duties prescribed for Tax Assessor and wherever in the Charter or ordinances any duty or power is given or granted or imposed upon the City Tax Assessor, such duty and power shall be performed by the City Clerk and his act or acts shall be certified as City Clerk and Tax Assessor and all such acts and certificates shall be taken and held to be valid and effectual the same as if the same had been done and performed by a separate corporate officer, as City Tax Assessor, and the said City Clerk shall be at all times ex-officio City Tax Assessor.

Section 86. City Clerk Ex-Officio Tax Collector. The City Clerk of the City of Jacksonville Beach shall have all of the powers and authority to perform the duties prescribed for the City Tax Collector, and wherever in the Charter or Ordinances any duty or power is given, granted or imposed upon the City Tax Collector, such duty shall be imposed upon and performed by the City Clerk, and all such act or acts shall be certified as City Clerk and Tax Collector, and all such acts and certificates shall be taken and held to be valid and effectual the same as if the same had been done and performed by a separate corporate officer, as City Tax Collector, and the said City Clerk shall be at all times ex-officio City Tax Collector.

ENUMERATION OF PARTICULAR POWERS

Section 87. Specific Powers. The City Council shall have power by ordinance to levy and collect taxes on all property and privileges taxable by law for State purposes, to appropriate money and provide for the payment of all debts and

expenses of the City; to make regulations to prevent the introduction of contagious diseases in the City, to establish hospitals, jails, houses of detention and correction, and to make regulations for the government thereof; to make regulations to secure the general health of the inhabitants; and to prevent and remove nuisance; to provide for the cleaning and keeping in good sanitary condition of all premises within the limits of the city, to regulate the construction and arrangement of earth closets and privies and to make all reasonable rules and regulations in regard thereto; to provide for the prevention and extinguishing of fires, and to organize and establish fire departments; to provide for lighting this City; to make appropriations to open, alter, abolish, widen, extend, establish, improve, clean and keep in good repair streets, alleys, ramps, runways and sidewalks; to erect, establish and keep in good repair privies, culverts, sewers and gutters; to grant rights and franchises to and upon the streets, alleys, public roads, ways and avenues of said City for public utility; to make appropriations for lighting streets and public buildings, and for the erection of all buildings necessary for the use of the City, to prohibit and suppress all gambling houses, bawdy and disorderly houses, and obscene pictures and literature; to regulate, restrain or prevent the carrying on of manufactories dangerous to public health and comfort and tending to cause or produce fires and to regulate and license the sale of firearms and fireworks, and to suppress the carrying of concealed weapons; regulate the storage of combustibles, explosive and inflammable materials; to regulate and limit the number of licenses of vendors of intoxicating liquors in the proportion of the population of the City to be fixed and determined by ordinance by the City Council; but the maximum number of licenses of vendors of intoxicating liquors or whiskey shall be one (1) license for each five hundred fifty (550) or major portion thereof, of persons in the City according to the 1950 Federal census; to provide for and regulate the inspection of beef, pork, flour, meal, poultry, and all other provisions, oils, whiskey and other spirits; regulate the inspection of milk, butter, lard and other provisions, to regulate the vending of meat, poultry, fish, fruits and vegetables; to establish and regulate markets; to regulate, tax, license or suppress the keeping and going at large of all animals within the City, to impound the same, and, in default of redemption in pursuance of ordinance, to sell, kill or otherwise dispose of the same; to establish pound limits within the City, to provide for enclosing, improving and regulating public grounds belonging to the town in or out of the corporate limits; to pass all ordinances necessary for the health, morals, convenience and safety of the citizens; to secure peace and good order in the City and to carry out the full intent and meaning of this Act, and to accomplish the object of this incorporation; to provide for the appointment of a police force which shall be

vested with all the usual powers and authority of police officers under the general laws of the State; to provide for the arrest of persons violating any ordinance and for their punishment upon conviction by fines, forfeitures, penalties and imprisonment with or without labor, but no penalty shall exceed Five Hundred Dollars (\$500.00), and no term of imprisonment shall be for a longer term than three (3) months for the same offense; to pass upon and grant with or without condition, applications for pardon or release of persons convicted by the Municipal Judge, and to effect such pardon or release by written mandate to the Chief of Police.

History: Ch. 23372, Laws of Fla., 1945 and Ch. 57-1457, Laws of Fla.

Section 88. Additional Powers. The City shall have power, and it is hereby authorized:

(a) To acquire, construct, own and operate in its sole capacity, or jointly with other governmental agency or agencies, transportation lines or systems for the transportation of persons and property within and beyond the limits of the City, automobile parking areas, docks, wharves, boat basins, promenades, airports, athletic and recreational playgrounds and stadiums, golf course and related club house and facilities, radio station or broadcasting system, tourist camp or areas for the parking of house cars, trailers and movable devices fitted for inhabitation or dwelling purposes and amusement piers, and all such buildings, equipment and improvements as the City Council may deem necessary or desirable for use in connection therewith, either within or outside the limits of said City; and the City is hereby authorized and empowered to levy and collect taxes for acquiring, constructing or operating any of the aforesaid improvements, facilities, or things, and to acquire same by purchase, lease, eminent domain or any other lawful manner, and shall have the power in its sole capacity, or jointly with other governmental agency or agencies, to operate, rent, lease or sell same with the full and lawful right in the City, or its lessees, successors, or co-owners, to receive, charge, collect and assess charges, tolls, fees, dues or rents for the uses, privileges or facilities thereof and to pledge or hypothecate the revenue derived thereby, or which may be anticipated to be produced therefrom, to finance the cost of constructing, acquiring or establishing any of such improvements or any part thereof, or any combination thereof;

(b) To provide for the creation and establishment of a special fund for the maintenance and repair of the seawall and ramps erected along the Atlantic Ocean, such fund to be derived in part by the levy of taxes upon all real estate within the City, and also in part by the imposition and levy of a special annual tax or assessment upon all property fronting or abutting upon such seawall and ramps, in such proportions, and to be administered by such persons, trustees or board and under such

terms, conditions and trusts as may be designated or prescribed by ordinance;

(c) To condemn and order to be put in a state of sound repair any and all broken, damaged or unsafe sidewalks, curbs, streets, or other public structures, and to provide and enforce penalties for failure to do so, and after giving twenty days' written notice to the owner of the property adjacent to and abutting such sidewalk, curb, street, or other public structures, by posting such notice in a conspicuous place about the premises, to repair or take such steps as may be set forth in such notice to eliminate the broken, damaged or unsafe condition of such sidewalks, curbs, streets, or other public structures at the expense of the said abutting and adjacent owner, and if said adjacent owner fails or refuses to comply with the requirements of said notice, then at the expiration of the time set forth in said notice the City may thereafter cause the repairs or other work set forth in the notice to be accomplished, assessing the cost thereof against said abutting property, the City to have and hold a lien thereon therefor until the cost and expenses thus incurred are discharged by payment;

(d) To prohibit the uncontrolled growth of palmetto shrubs, weeds, vines, bushes, grass, thistles or other rank or noxious vegetable growth, the placing, keeping or maintaining of encroachment or obstructions of any nature or kind upon, in or over any public street, alley, walkway or public property of every nature and description, the accumulation of stagnant water upon the surface of the ground or within any receptacle or structure deposited or erected above or below the ground without exercising necessary precaution to prevent the propagation of mosquitoes therein; to prohibit buildings, sidewalks, footways or structures which by act of God, fire, decay or other cause may become structurally dangerous, unsafe, dilapidated or insanitary to remain in such dangerous, unsafe, dilapidated or insanitary condition and to provide and enforce penalties for allowing, suffering or permitting any such prohibited act, occurrence or condition and to condemn, suppress and order to be removed, demolished, abated or otherwise eliminated or corrected such prohibited acts, occurrences or conditions, and after giving twenty (20) days' written notice to the person, firm or corporation owning, occupying or having the care or custody of any lot or parcel of land upon or in connection with such prohibited act, occurrence or condition exists or is maintained by posting such notice in a conspicuous place about the premises, to order the same forthwith removed, suppressed or abated in such manner as the City Council may in its discretion determine appropriate, and assess the cost of so doing, or such proportion thereof as shall not be borne by the City, against the owner or occupant of the premises involved to the end that such assessments shall be and remain liens upon the lands against which assessed until paid;

(e) To license, control, tax and regulate traffic and sales upon the streets, sidewalks, promenades, ocean beach and public places within the City and the use of space in such places and to regulate, suppress and prohibit hawkers, peddlers and beggars upon such streets, sidewalks, promenades, ocean beach and public places; and to license and cause to be registered and control, tax, regulate or to prohibit in designated streets, roads, ocean beaches, or parts thereof, carriages, omnibuses, motorbuses, automobiles, cars, wagons, drays, trucks, jitney buses and other vehicles, and to license, tax and cause to be registered and control the drivers thereof; to fix just, reasonable, compensatory and adequate rates and schedules to be charged and maintained for the carriage of persons and property for hire within the City; to make and promulgate regulations for traffic on the streets, roads, ocean beaches, or parts thereof, during such hours and at such times as may be necessary or convenient, and to provide for parking spaces on the streets, roads, ocean beaches or on other property of the City and to at any time discontinue the right to the use of such parking spaces and to regulate, assess and collect charges for, vacate, or discontinue, the use of same; and to require all vehicles for the carriage of persons for hire to be insured as required by ordinance for the protection of passengers, property and of the public and to make such insurance inure to the benefit of persons or property which may be injured or damaged by the operation of such vehicles for hire; and to require such insurance to be furnished by all persons, firms or corporations owning or operating for hire vehicles upon the streets, roads, ocean beaches and public places of the City of Jacksonville Beach, whether such operation be wholly within the limits of said City or between said City and other cities or towns or places outside of the City of Jacksonville Beach.

History: Ch. 24627, Laws of Fla., 1947 and Ch. 29187, Laws of Fla., 1953.

Section 89. Zoning Authority. The City of Jacksonville Beach may, in the interest of the public health, safety, order, convenience, comfort, prosperity or general welfare, adopt by ordinance a plan or plans for the districting or zoning of the City for the purpose of regulating the location of trades, industries, apartment houses, dwelling or other uses of property, or for the purpose of regulating the height of buildings or other structures, or the area, or dimensions of lots or yards in connection with buildings or other structures, or for the purpose of regulating the alignments of buildings or other structures near street frontages or other public property. The zoning regulations may be based upon any one or more of the purposes above described. The City may be divided into such number of zones or districts and such districts may be of such shape and area as shall be best suited to accomplish the purposes of the zoning regulations; in the de-

termination and establishment of districts and regulations, classifications may be based on the nature or character of the trade, industry, profession or other activity conducted or to be conducted upon the premises, the number of persons, families or other group units to reside in or use buildings, the public, quasi-public, or private nature of the use of the premises or upon any other basis or bases relevant to the promotion of the public health, safety, order, morals, convenience, prosperity or welfare, provided that no ordinance adopting zoning regulations as above authorized, shall be passed by the City Council of the City of Jacksonville Beach until after a comprehensive plan for the zoning of the City has been prepared and submitted to the Council. Whenever such a plan for the zoning of the City has been submitted, then the City Council shall hold a public hearing thereon and shall give notice of the time and place thereof by publishing the same in a newspaper of general circulation in the City once each week for not less than two consecutive weeks, or by posting a copy of such notice at the front door of the City Hall and at least two other conspicuous places within the City at least fifteen (15) days prior to such hearing, and during said time a copy of such plan and proposed ordinance shall be on file for public examination in the office of the City Clerk.

Section 90. Improvements — Assessment of Cost Against Property Benefited. The City Council is hereby authorized and empowered to regulate, provide for and require the opening, widening, extending, laying, constructing, paving, repairing or improving of any street, avenue, alley, ramp, sidewalk, bulkhead, seawall, breakwater, promenade or public improvement, the drainage and filling of low places, public or private, dangerous to public health or required to promote public welfare and the construction and maintenance of water and sewer systems, and drains, and may provide for the payment of the cost of any such improvement by general taxation, or by the imposition of special assessments against the property specially benefited for the entire cost of such work, or for such portion thereof as shall not be borne by the City, such assessments to be and remain liens upon the lands against which assessed until paid, provided that in no event shall the amount of such special assessment exceed the special benefit accruing to the property assessed by reason of such improvement work. In the case of streets, alleys, ramps, sidewalks, seawalls, bulkheads, breakwaters, and promenades the unit or basis for distributing the special assessment to pay the cost of such improvement shall be according to the front footage of the property fronting or abutting upon such improvement in the proportion that the particular parcel of land to be assessed bears to the total front footage of all property fronting or abutting thereon; in the case of the drainage or filling in of low places or the construction and maintenance of water and sewer

systems and drains, the unit for the assessment of the share and amount of the cost to be distributed and assessed against any particular parcel of land shall be the platted lot according to the last plat thereof recorded amongst the public records at the time of commencing such work and it shall not be necessary for the City to break the assessment down as a result of any division of such lots which is not revealed by such recorded plat and each such platted lot shall bear such fair and just proportion of the cost of such work as was necessarily expended in connection with the improvement or benefit accruing thereto. The City shall have a lien superior to all other claims, except taxes, against and upon the property for the amounts of the special assessment together with interest and all costs of collection.

Whenever the doing of any such thing is provided for by ordinance, the ordinance providing for the same shall be accompanied by plans and specifications therefor and shall state the estimated total cost which will in the opinion of the City Council cover the total cost of the work and the proportion to be borne by the City, if any, and the estimated amount per front foot as special assessment to be levied upon abutting property, or the estimated cost to be specially assessed against the platted lot to be benefited as the case may be, and shall be published once a week for four consecutive weeks in some newspaper published in Duval County, Florida, or posted for thirty days at the City Hall and two other public places in the said City and the City Council shall meet as soon as practicable after the expiration of said publication or posting at a time named in the ordinance, and permit any owner of, or other persons interested in, any property against which it is proposed to levy such special assessment, to present to the City Council any objections which he may have to the enforcement of the requirement of such ordinance, and shall have power, if they deem just or right, to revise, repeal, or amend said ordinance in such manner as it may deem necessary to correct or equalize the assessment in proportion of the benefits to be bestowed upon the property assessed, but no such amendment shall increase the amount to be specially assessed against the property, nor shall the assessment against any property be in excess of the special benefits accruing to said property by reason of such work. Any person owning or interested in any property to be specially assessed, or generally taxed for said work, who shall not at such meeting present in writing to the City Council his objections to said ordinance, shall be deemed to have consented to its provisions, and any person so presenting his objections to such ordinance and not satisfied with the action thereon, shall have the right within thirty (30) days thereafter to present to any court of competent jurisdiction against the enforcement of said ordinance any legal objection he may have to the enforcement of such ordinance, and the court shall have power, upon proper cause

shown to grant such injunction; any person not presenting his bill for injunction within thirty (30) days, or failing to push to a successful conclusion with due diligence his application for an injunction shall be deemed to have consented to the enforcement of the ordinance and levy and collection of the Special Assessment and taxes necessary thereto, and shall not thereafter be heard to defend against or question the validity of such tax or special assessment. The City Council is hereby authorized to provide by ordinance for the issuance of special assessment certificates for such amounts and drawing such rates of interest and upon such terms and conditions as may be deemed necessary to enable the City to pay the cost of such work pending the collection of special assessments and taxes and to provide for the payment thereof with interest; and the City Council shall, as soon as practicable and within thirty (30) days after the completion of any such work, by resolution, fix a special assessment, per front foot upon the abutting property or the special assessment against the platted lot to be benefited, as the case may be, at an amount not exceeding either the actual cost of the work, or the estimated special assessment stated in the ordinance providing for the work, which said resolution shall specify the amount of the cost of such work so assessed against the abutting or benefiting property and the fact that a lien has been assessed against such property with a breakdown of the specific amount which has been assessed against each particular parcel of property to be particularly described therein and shall provide that the City Clerk shall forthwith have prepared and entered in a book, which shall be prepared and kept for that purpose, and kept open to the public for inspection during reasonable office hours, labeled "IMPROVEMENT LIEN BOOK", the amount of such lien assessed against each lot, the date of the completion of the work and such other information as may be deemed advisable. The City Council shall cause said resolution to be published in a newspaper published in Duval County once each week for four (4) consecutive weeks, or by posting same at the City Hall and two (2) other public places in said City for a period of thirty (30) days. Any person desiring to contest in any manner the validity of any such special assessment or lien shall within thirty (30) days after the publication or posting at the City Hall and two (2) other public places in said City of the resolution fixing the special assessments, institute suit to have the enforcement thereof enjoined, or its invalidity legally declared, and any person not instituting such suit shall not thereafter be heard to question the validity thereof, or to defend against the enforcement of the lien upon the grounds of its invalidity. Any such special assessment paid within thirty (30) days after the publication or posting of such resolution shall be accepted without interest and such assessment not paid within said time shall bear interest from the date of publication or posting

of such resolution at a rate not to exceed eight per cent (8%) per year. The City Council may, by ordinance, provide for the payment of such special assessments in installments and for the collection by enforcement of the liens by attorney or attorneys after any payment has not been made in compliance with the provisions of such ordinance. The liens for the amounts of such special assessments may be enforced by bill in equity, and any number of liens arising under the provisions of one ordinance may be enforced in and by one proceeding in equity. The City shall have and collect a lien upon any properties affected by such special assessment for reasonable attorneys fees for the collection of unpaid special assessment after the collection thereof shall have been entrusted to an attorney by resolution of the City Council.

History: Ch. 30888, Laws of Fla., 1955.

Section 91. Water, Sewer, Gas, Electric, Garbage Collection and Disposal or Incineration Services and Facilities. The City shall have the power to acquire, purchase, lease, sell, erect, establish, install, operate, maintain, extend, or improve, water, sewer, sewage treatment, gas, electricity, garbage collection and disposal or incineration plants or systems or either thereof, and may engage in the business of furnishing, supplying, transmitting or selling water, gas, electricity, garbage collection and disposal or incineration, sewer, or sewage treatment and disposal services and facilities to any person or corporation either within or outside of the city limits, and the City Council shall be authorized to fix rates, fees and charges to be assessed, imposed upon and collected from the users of such services and facilities for making connections thereto and for the services and facilities furnished and provided by said plants or systems, or either thereof, and prescribe reasonable rules and regulations in connection therewith, and provide that upon nonpayment of such charges, fees, or rates, or noncompliance with such rules and regulations for, or as to any of such municipally owned or operated public utilities, services or facilities, all municipally owned or operated utilities' services and facilities may be disconnected or discontinued; and to pledge or hypothecate the revenues derived thereby, or which may be anticipated to be produced therefrom, to finance the cost of acquiring, constructing, establishing, operating, maintaining, extending or improving any such utilities' services or facilities, or any part thereof, or any combination thereof. The City may also issue bonds in the manner now provided by law and use the funds derived from the sale thereof for any of the aforesaid purposes.

The City Council shall have power by ordinance to require the owner, tenant or occupant of each lot or parcel of land within the City which abuts a street, alley, or other public way containing a City water or sewer service, or which is located within 100 feet thereof, and upon which lot or parcel a building or other in-

habitable structure has been or shall be erected for residential, commercial or industrial use, to connect the said building or structure to the said water and sewer systems, or to such of said several and respective systems as may from time to time be or become available within the aforesaid distance, and to enjoin and prohibit said owner, tenant or occupant from using any other method for the several and respective water or sewer utility services after the same become available as aforesaid.

History: Ch. 25940, Laws of Fla., 1940.

Section 92. Accounts of City Owned Utilities—Requirements For Depreciation and Reserve Accounts—Disposition of Surplus Funds. Proper accounts in keeping with recognized accounting practices shall be kept for each public utility owned or operated by the City in sufficient detail to show the true and complete financial results of such City operation and ownership. The City Council shall be required to establish and maintain adequate depreciation and reserve accounts for each of the several and respective utilities of said City, and commencing January 1, 1950, shall cause to be set aside and be periodically paid into said depreciation and reserve accounts an amount not less than six per centum (6%) of the annual gross revenues derived by said City from each of said several and respective utilities, which said several accounts, together with the funds accumulated therein, shall be kept separate and apart from all other municipal funds, and shall be used exclusively for repairs, maintenance, insurance, renewals, replacements, extensions, enlargements and improvements of the several and respective utilities of said City from which the respective funds shall have been derived. The unencumbered surplus of net revenues derived from said several and respective utility plants or systems remaining after providing for all financial obligations payable out of, or chargeable against, said revenues in compliance with applicable laws or ordinances, may be paid into the City's general funds, or be otherwise used and appropriated by the City Council in any manner required or permitted by law.

History: Ch. 23372, Laws of Fla., 1945 and Ch. 25940, Laws of Fla., 1949.

Section 93. Amusement or Recreation Pier. The City is hereby given the power and authority to erect, construct, or grant a franchise or franchises to any person or persons for the erection or construction of amusement or recreation piers extending easterly from the bulkhead line of the City into the Atlantic Ocean, a distance not more than one mile; the City, or its grantee under a franchise, shall have the right to operate, maintain, receive, charge, collect and assess charges, tolls, fees, or rents for the uses, privileges or facilities thereof; the City shall be authorized to pledge or hypothecate the revenues derived, or which may be anticipated to be produced from the operation or leasing thereof, to finance the cost of erecting,

constructing, maintaining, or operating such pier or piers. Any franchise granted by the City for the erection or operation of such pier shall be approved by the affirmative vote of a majority of the qualified electors of said City participating in a special election held for that purpose.

Section 94. Franchises. The City Council shall have power to grant franchises for furnishing the inhabitants of the City with water, gas and electricity, provided that in addition to the requirements now provided by law in relation thereto, all franchises shall contain a clause reserving to the City the right to purchase at any time, at the option of the City, the plant, system and equipment of the public utility for which the franchise is granted, at a price to be fixed by a Board of three arbitrators, to be chosen, one by the City, and one by the other party, the two arbitrators to choose a third. In case the City should exercise its option to purchase and the other party should refuse to choose its arbitrator within ten days after service of written notice of the City's decision to exercise its option of purchase, the City Council shall proceed to choose all three arbitrators, and upon payment of the price fixed by the arbitrators for the utility, the City shall thereby own same, and the City may enter upon and take possession of same and gather the rents thereof, and also provided said franchise shall be approved by a majority of qualified electors voting at an election for the approval or disapproval of the ordinance, granting such franchise at a special election held for such purpose.

Section 95. Roads and Streets. The City Council shall have full and complete jurisdiction, charge and control over all public or dedicated roads, ways, avenues, streets, ramps, runways and alleys in the limits of the said City and shall have power to cause obstructions to be removed therefrom and to restrain and regulate the use and occupation of same by any person or corporation whatsoever to the end that the safety, comfort and welfare of the public may be secured and preserved.

Section 96. Ocean Beach. The City of Jacksonville Beach shall have full power and authority to exercise police powers with reference to the bathing and driving beach adjacent to and easterly of said City and the waters of the Atlantic Ocean on and easterly thereof as far as the jurisdiction of the State of Florida extends. The City may establish and set aside safety zones or areas upon said ocean beach and prohibit any and all vehicles from using the area embraced therein. Any control, regulation or exercise of its police power by such City in regard to such beach and water shall be deemed and held to be solely a governmental function and no cause of action shall exist in favor of any person, nor shall the City be liable in damages, for any injury resulting to persons or property by reason of the use of such beach

as a public highway, bathing beach, or otherwise, or by reason of any acts of omission or commission by the officers or employees of such City in reference thereto. Nothing herein shall be construed to require the City to maintain or keep in a safe condition for use as a public highway or bathing beach the said ocean beach or waters on and easterly thereof.

Section 97. County and State Roads. The City shall not be responsible for the neglect of Duval County or the State Road Department to properly maintain and keep in repair any State or County road touching or extending through the corporate limits of said City, nor shall the City be liable, in damages for any injury resulting to persons or property by reason of the use of such State or County road; or by reason of any acts of omission or commission by the officers or employees of such City in reference thereto.

Section 98. Damage Suits. No suit shall be maintained against the City for damages arising out of its failure to keep in proper condition any sidewalk, pavement, viaduct, bridge, street, promenade, boardwalk, bulkhead, ramp, runway, electric light plant or other public place; neither shall any suit be maintained against the City arising out of any other tortious action or action sounding in tort, unless written notice of such damage was, within thirty (30) days after the receiving of the injury, given to the City Manager with such reasonable specifications as to time and place and witnesses as would enable the City officials to investigate the matter; and no verdict shall in any suit be given for an amount exceeding compensatory damages to the plaintiff directly attributable to such negligence on the part of the City, and not caused by contributory negligence on the part of the plaintiff. It shall be the duty of the City Manager, upon receiving any such notice, to at once investigate the matter and lay the facts, supported by the evidence, before the City Council in a written report, and the City Council shall have the right, and, upon the written request of the person injured, it shall be the duty of the City Council to investigate the matter, and it may, by ordinance, make such reasonable settlement of any such damages as may be agreed upon between the City Council and the person so damaged, which settlement must be approved by majority vote of the City Council.

History: Ch. 59-1427, Laws of Fla.

MISCELLANEOUS PROVISIONS

Section 99. Official Bonds. All officers and such employees of the City as the Council may by ordinance require so to do, shall give bond conditioned for the faithful performance of his duties, in such amount and with such surety as may be approved by the Council. It shall be mandatory for the following named officials to furnish such bonds in at least the following respective amounts, to-wit: City Clerk, Ten

Thousand Dollars (\$10,000.00); City Manager, Five Thousand Dollars (\$5,000.00); The Mayor and each member of the Council, Three Thousand Dollars (\$3,000.00). The premium charge on such bonds shall be paid by the City.

Section 100. Continuance of Contracts. All contracts entered into by the City, or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or Charter provisions existing at the time this Charter takes effect, may be carried to completion in accordance with the provisions of such existing laws and Charter provisions.

Section 101. Title to Property. The title, rights and ownership of all property, uncollected taxes, dues, claims, judgments, decrees, and choses in action, held or owned by the Municipal Corporation known as the City of Jacksonville Beach prior to the effective date of this act shall thereupon and thereafter pass to and be vested in the Municipal Corporation provided for herein.

Whenever the City Council determines that it possesses real or personal property in excess of the needs of the public, it may sell same to the highest bidder after such public notice and competition as may be prescribed by ordinance, provided, however, that the sale of any real estate theretofore dedicated by ordinance for park, playground, recreation, or other public purposes, shall be prohibited unless and until the proposed sale shall be first submitted to a referendum vote of the qualified electors of the City, after public notice of such election shall have been published in a newspaper once a week for four consecutive weeks, wherein a majority of the votes cast shall be for approval of such proposed sale.

History: Ch. 24627, Laws of Fla., 1947.

Section 102. Abolishment of Existing Offices. Should this entire act become operative and effective, the offices of, as well as the respective terms of, the Mayor and each member of the City Council and City Commission holding office under the pre-existing Charter of the City shall, immediately upon the election and qualification of the officers provided to be elected under the provisions of this Act at the general City Election in October, 1937, be and the same are hereby, at such time, dissolved, abolished and terminated.

Section 103. Officers Hold Until Successors Qualify. That the Mayor and each member of the City Council and City Commission heretofore or hereafter elected or appointed, as provided under the pre-existing Charter of the City and entitled thereunder to hold office shall continue to hold their respective offices and to discharge the respective duties thereof until the officers provided for in and by this Act are elected and qualified; and all existing ordinances of the said municipality, not in conflict

with the provisions of this Act, shall continue in effect and unimpaired until repealed, amended or modified by the City Council which is created by this Act.

Section 101. Construction of Act. That any clause or section of this Act which may for any reason be judicially declared invalid may be eliminated from this Act without affecting the remaining portion or portions thereof, and said remaining portion shall be and remain in force and effect as if such invalid clause or section had not been incorporated herein.

Section 105. Repeal of Existing Laws. If this Act shall become operative and effective as herein provided, it is intended that the provisions hereof shall in itself, constitute the Charter of the City of Jacksonville Beach, and all pre-existing special Acts of the Legislature of the State of Florida applicable solely to the Government of the City of Jacksonville Beach, shall be and the same are hereby, each and every, repealed.

REFERENDUM ELECTION

Section 106. Date, Nature and Conduct of Election. Before this Act shall become operative, and effective, it shall first be submitted to a referendum vote of the qualified electors of the City of Jacksonville Beach participating in a special election to be held in said City on the 20th day of July, A.D. 1937. Notice of said election shall be given by the City Clerk of said City by publishing the same once each week for four consecutive weeks in a newspaper published in Duval County, Florida, the first publication to be not less than twenty-five days before said election, or by posting a copy of such notice at the North front door of the City Hall and at two other conspicuous places in said City at least thirty days prior to said election. Said notice shall be in substantially the following form:

"NOTICE IS HEREBY GIVEN that an election will be held in the City of Jacksonville Beach on the 20th day of July, A.D. 1937 for the approval or disapproval of the new Charter of the City of Jacksonville Beach.

"All persons qualified to vote in the last general election of the City in 1935, or who may have since become qualified and registered shall be qualified to vote at said referendum election.

"Dated the _____ day of _____, A.D. 1937.

City Clerk
City of Jacksonville Beach."

Section 107. Qualified Electors. All persons who were qualified to vote in the last general City election in October, 1935, shall be qualified to vote and also any person possessing the qualifications of electors as set forth in Section 21 of the foregoing Act shall be permitted to

register and become and be qualified to vote in said referendum election.

Section 108. Special Registration. The City Council shall make all needful arrangements and provide for the registration of all persons possessing the requisite qualifications of electors of said City and desiring to participate in said referendum election. The special registration hereby authorized shall be conducted as nearly as practicable in conformity with the provisions of Section 22 of the foregoing Act, except where in conflict with this section, but the registration books shall not be opened until thirty days prior to the date of such election and remain open for a period of only fifteen (15) days.

Section 109. Conduct of Election. It shall be the duty of the City Council of the City of Jacksonville Beach as constituted on the date of this Act becoming a law to provide for the holding of the said referendum election. Said election shall be held as nearly as may be provided by the terms of this Act and the general laws of Florida governing elections. All expenses incident to the conduct of said election shall be paid by the City of Jacksonville Beach.

Section 110. Form of Ballot. The form of ballot to be used at said election shall be as follows:

"OFFICIAL BALLOT NO. _____
CHARTER ELECTION BALLOT
JULY 20, 1937
CITY OF JACKSONVILLE BEACH

Make a cross mark (x) before the word 'For' or before the word 'Against', accordingly as you approve or disapprove of an Act of the Legislature providing a new Charter for the City of Jacksonville Beach.

-----For approval of new Charter
-----Against approval of new Charter."

Section 111. Canvass of Result and Effect. The City Council shall canvass the result of said referendum election and shall file a certificate of such result with the Secretary of State, and with the City Clerk of the City of Jacksonville Beach.

Section 112. Effective Date of Act. If a majority of votes cast at said referendum election be for approval, then this Act shall become operative and effective on the date of said referendum election, otherwise, this Act shall have no force and effect, except Sections 106 to 111 hereof, shall become effective upon passage and approval by the Governor, or upon its becoming a law without such approval.

Chapter 61-2337, Laws of Florida

An act to extend the corporate limits of the City of Jacksonville Beach, Duval County, Florida, and to give the said City of Jack-

sonville Beach jurisdiction over the territory embraced in the said extension.

Be it enacted by the legislature of the State of Florida:

Section 1. That the present corporate limits of the City of Jacksonville Beach, Duval County, Florida, be, and the same are hereby extended so as to include all that territory embraced within the following limits and boundaries, that is to say:

Commencing at the intersection of the south line of Fractional Section 10, Township 3 South, Range 29 East with the Atlantic Ocean for a Point of Beginning, said south line of said Section also being the County line between Duval and St. Johns Counties. Thence run in a westerly direction along said County line which follows the south line of said Fractional Section 10, Section 9, through Section 55 William Hart Grant, the South line of unsurveyed Sections 8 and 7, to the center line of the 550 foot wide Intra Coastal Waterway right-of-way, as same is recorded in Plat Book 14, page 74, of the current public records of Duval County, Florida, thence run in a northerly direction following the meanders of the center line of said Intracoastal Waterway right-of-way, over and across unsurveyed Sections 5, 6, 7 and 8, Township 3 South, Range 29 East, and unsurveyed Sections 29, 30, 31 and 32, Township 2 South, Range 29 East, all as recorded in Plat Book 14 pages 71 through 74, of aforesaid Public Records, to a Point of intersection of said Intracoastal Waterway center line with a westerly projection of the south right-of-way line of Seagate Avenue, thence run in an Easterly direction along said westerly projection of Seagate Avenue over and across a portion of unsurveyed Section 30, and unsurveyed Section

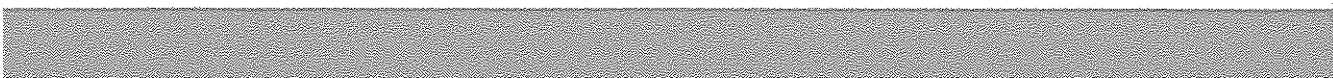
29, to an intersection with the U. S. Government meander line of the Westerly boundary line of Section 38, Bartolomeo de Castro Y Ferrer Grant, thence continue in an Easterly Direction along said South line of Seagate Avenue over and across said Section 38, Castro Y Ferrer Grant to an intersection with the Easterly Boundary line of said Grant, said Point of Intersection being also identified as the Northwest Corner of Government Lot 3, Section 28, Township 2 South, Range 29 East, thence continue in an Easterly Direction along the Northerly Line of Government Lots 3 and 4 of said Section 28, (said Line also being the present centerline of Seagate Avenue) to its intersection with the Atlantic Ocean, thence continue in a Southerly direction along said Atlantic Ocean to an intersection with the South line of Fractional Section 10, Township 3 South, Range 29 East and Point of Beginning of this Description.

Section 2. That the said City of Jacksonville Beach is hereby given and granted all of the public properties, lots, franchises, easements, streets, roads and public highways now located and dedicated, acquired, laid out, platted, or conveyed to the public in all the territory described in Section 1 of this Act.

Section 3. That all ordinances of the City of Jacksonville Beach and all laws heretofore passed by the Legislature of the State of Florida relating to and which now or hereafter constitute its Charter, shall apply to and have the same force and effect in all the territory described in Section 1 of this Act, as if all of such territory had been a part of the said City of Jacksonville Beach at the time of the passage and approval of such laws and ordinances.

History: Ch. 61-2337, Laws of Fla.

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FOR
JACKSONVILLE BEACH



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CHARTER
ATLANTIC BEACH
FLORIDA

Third Urban Services District
Chapter 57-1126, Laws of Florida

Section 1. Present Municipal Corporation of Town of Atlantic Beach Abolished. The present municipal corporation of the Town of Atlantic Beach in Duval County, Florida, is hereby abolished.

Section 2. Incorporation of City of Atlantic Beach. A municipal corporation to be known and designated as the City of Atlantic Beach is hereby established, organized and constituted in the County of Duval and State of Florida, and its territorial boundaries shall be as follows:

Beginning at a point on the beach of the Atlantic Ocean, as shown on a map of a part of a Subdivision "A", Atlantic Beach, Plat Book 6, Page 1, of Duval County Records, where the north side of an unnamed street north of Blocks 62, 63, and 64, as shown on said map, and known as 16th Street would, if prolonged, intersect with low water mark of said Atlantic Ocean; running thence westerly along the north line of said 16th Street to the intersection of said line with the westerly right-of-way line of Seminole Beach Road (County Road No. 608); running thence northerly along the westerly right-of-way line of said Seminole Beach Road to the north boundary line of Section 9, Township 2 South, Range 29 East; running thence westerly along the northerly boundary line of said Section 9 and the northerly boundary line of Section 8 and Fractional Section 5 in said Township and Range, to the eastern right-of-way line of Mayport Road (State Road A-1-A); running thence southerly along the easterly right-of-way line of said Mayport Road to the north boundary line of Government lot 15 of Section 8; running thence easterly along the North boundary line of said Government lot 15 to the northwest corner of the east one half of said Government lot 15; running thence south along the west boundary line of the east one half of said Government lot 15 to the north boundary line of Section 17; running thence westerly along the northerly boundary line of Sections 17 and 18 in said Township and Range to the northeasterly corner of unsurveyed Section 18, in said Township and Range; running thence southerly along the U. S. Government meander line of the Pablo Creek salt marshes, being also the easterly boundary line of said unsurveyed Section 18 and the easterly boundary line of unsurveyed Section 19 in said Township and Range, to the intersection of the last mentioned lines with a line 16 feet northerly of, measured at right angles from and parallel

to the centerline of Atlantic Boulevard; running thence easterly along said parallel line and a prolongation of same to the point of intersection of said prolongation with the low water mark of said Atlantic Ocean; and running thence northerly along said low water mark of the Atlantic Ocean to the point or place of beginning; EXCEPTING, from the territory hereinabove described that part thereof lying in said Sections 8 and 9 occupied and used by Selva Marina Country Club as described in deed recorded in Volume 652, Page 484, Official Records of Duval County; and jurisdiction of the waters of the Atlantic Ocean two miles from the low water mark between the north and south line of said city as above described, projected easterly two miles; and police jurisdiction for traffic control purposes over Atlantic Boulevard from the Atlantic Ocean to the westerly limits of said City as hereinbefore described, over said Mayport Road from the City limits as above described, northerly to the northerly boundary line of said Fractional Section 5, and over said Seminole Beach Road from the City limits as above described, northerly to the northerly boundary line of said Section 9; PROVIDED, HOWEVER, that the Board of County Commissioners of Duval County, Florida, is hereby authorized to construct and maintain, within the territory hereinbefore described, any and all streets, roads or highways that have, at any time heretofore, been adopted as County Roads by the Board of County Commissioners of Duval County, Florida, as it may deem necessary and proper for the benefit of the public.

History: Amended by Ch. 59-1054, Laws of Fla.

Section 3. Form of Government. The municipal government provided by this charter shall be known as "Commission-Manager Government". Subject only to the limitations imposed by the constitution and laws of this state and by this charter, all powers of the City shall be vested in an elective commission, hereinafter referred to as "the City Commission", which shall enact local legislation, adopt budgets, determine policies, and appoint such city officials as are hereinafter prescribed. Except as limited in this charter, the City Manager shall execute the laws and administer the government of the City. All powers of the City shall be exercised in the manner provided by this charter, or if the manner be not provided then in such manner as may be set forth by ordinance.

Section 4. General Powers. The City shall have the powers, functions and immunities granted to municipal corporations by the constitution and general laws of this state, as now or hereinafter existing, together with the implied powers necessary to carry into execution all the powers granted. The enumeration of particular powers by this charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the City shall have and exercise all powers which it would be competent for this charter specifically to enumerate. The following are among the powers of the said City, subject to the limitations hereinafter expressed:

(1) To purchase, lease, receive and hold property, real, personal and mixed, both within and without its corporate limits, and to lease, sell or otherwise dispose of the same for the benefit of the City;

(2) To pass such ordinances as may be necessary to protect and preserve peace and order upon all property owned, leased, managed or controlled by the City outside its corporate limits;

(3) To acquire by condemnation any property necessary for public use, either within or without its corporate limits;

(4) To levy, assess and collect taxes;

(5) To invest the surplus funds of the City;

(6) To borrow money and to issue bonds and revenue certificates as security therefor;

(7) To license professions, business and occupations carried on within its corporate limits and to levy and collect license taxes upon the same;

(8) To furnish within and without its corporate limits all local public services and utilities, and to levy charges for the use of such services and utilities;

(9) To purchase, hire, construct, own, maintain and operate or lease local public utilities;

(10) To grant local public utility franchises and regulate the exercise thereof;

(11) To define, prevent and abate nuisances;

(12) To exercise all police powers granted to municipalities by the constitution and laws of the State of Florida, as now or hereinafter existing, and to adopt such ordinances, rules

and regulations as are necessary to maintain and preserve public health, peace and welfare, including ordinances regulating the keeping of domestic and other animals within its corporate limits, and to impose penalties and forfeitures to carry the same into effect;

(13) To own, establish and operate hospitals, libraries, parks, airports, golf courses, and to sell or lease such institutions or properties;

(14) To construct, operate and maintain streets, roads, alleys, sidewalks, and parking areas, and to regulate and control the use thereof;

(15) To regulate encroachments in, upon, over and under streets, alleys, and sidewalks;

(16) To provide police, fire, sanitary and other similar protection and services;

(17) To drain swamp and overflow lands within or without the City for the betterment of sanitary conditions within the City;

(18) To establish and regulate a uniform system of employment practices so as to provide a permanent system of civil service;

(19) To own and maintain cemeteries and crematories, either within or without its corporate limits, and to regulate the use thereof;

(20) To regulate building and density of population, and the nature, height, size and use of buildings and other structures, for the purpose of promoting the health, safety, morals or general welfare of its residents;

(21) To make local improvements, and to impose and enforce liens for the payment of the same in accordance with the general statutes of the state;

(22) To provide a pension or retirement plan for its officers and employees;

(23) To advertise and promote the interest of the municipality and its residents through legitimate and recognized means for the accomplishment of such purposes;

(24) To borrow money for a period not longer than the remainder of the fiscal year in which the loan is made, and this power shall be in addition to the other powers to borrow money set forth in this charter, or granted by the general laws of this state;

(25) To control the development and use of natural or artificial streams or bodies of water inside its corporate limits;

(26) To dispose of seized, abandoned or captured property.

ARTICLE II THE COMMISSION

Section 5. Number, Selection, Term. The City Commission shall consist of five (5) electors of the City of Atlantic Beach, who have the qualifications as defined in Section 6, Article II of this charter, elected at large. The seats shall be known as Seats 1 to 5, respectively, and Seat 1 shall be designated as Mayor-Commissioner, and they shall hold office for the terms respectively as hereinafter stated: Seat 1, Mayor-Commissioner, shall be elected for two-year

terms; in the 1961 primary and general Municipal elections Seats 2 and 3 shall be elected for a two-year term and Seats 4 and 5 shall be elected for a four-year term, thereafter Seats 2, 3, 4 and 5 shall be elected for four-year terms.

History: Amended by Ch. 61-1862, Laws of Fla.

Section 6. Qualifications and Disqualifications. Members of the city commission shall have been residents of the city for one year,

shall have qualifications of electors in the city, and shall be freeholders within the limits of the city. Members of the city commission shall not hold any other elective public office. Any member of the city commission ceasing to possess the foregoing qualifications or who shall have been convicted or who shall be convicted of a crime involving moral turpitude, shall forfeit his office. Absence from four consecutive regular meetings of the city commission shall operate to vacate the seat of a member, unless such absence is excused by the city commission by resolution setting forth the fact of such excuse duly entered upon the minutes.

History: Amended by Ch. 61-1861, Laws of Fla.

Section 7. Salary. The annual salary of Commissioners shall be \$120.00 until changed by ordinance, but shall not be increased during the current term of Commissioners enacting such ordinance.

Section 8. Presiding Officer; Mayor. The Commissioner elected as Mayor-Commissioner shall preside at all meetings of the City Commission and shall be recognized as head of the City government for all ceremonial purposes and by the governor for purposes of military law, shall, when directed to do so by the City Commission, execute all instruments to which the City is a party, unless otherwise provided by this charter or by ordinance, but shall have no regular administrative duties except as authorized in this charter. In the temporary absence or disability of the Mayor-Commissioner his duties shall be performed by the Mayor Pro-tem who shall be appointed by the Commission from its own members.

Section 9. Powers. Except as otherwise provided in this charter, all powers of the City, and the determination of all matters of policy shall be vested in the City Commission. Without limitation of the foregoing, the City Commission shall have power to:

- (1) Be the judge of the election and qualifications of its own members;
- (2) Adopt a budget;
- (3) Authorize the issuance of bonds, revenue certificates, and other evidences of indebtedness;
- (4) Appoint members of official boards or advisory groups;
- (5) Adopt and modify the official map of the City;
- (6) Regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of a lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land and water for trade, industry, residence, or other purposes;
- (7) Create a housing authority;
- (8) Provide for an independent audit;
- (9) Remit fines or other penalties imposed by the municipal court;
- (10) Pass ordinances and laws for the pres-

ervation of the public peace and order; and impose penalties for the violation thereof; provided, that maximum penalty to be imposed shall be a fine of not more than \$1,000.00 and imprisonment for a period of time not longer than 90 days;

(11) Lease golf courses, hospitals, airports and parks, or any portion thereof, after the City Commission has passed an ordinance in which is stated the terms of the lease;

(12) Sell golf courses, hospitals, airports, parks, and the public utility systems, or any portion thereof, now owned by the City or hereafter acquired by it after the City Commission has passed an ordinance in which there is a finding that public welfare no longer requires the operation of any such facility and in which are stated the terms of sale, and after such ordinance has been submitted to the qualified voters of said City at an election called for that purpose, which election shall be called and held as is herein prescribed for bond elections;

(13) Provide rules and regulations for all purchases and sales made for and in behalf of the City;

(14) Appoint, remove and fix the compensation of the City Manager, City Attorney, Municipal Judge, City Prosecutor, City Comptroller, City Clerk, City Tax Assessor and City Treasurer; and all other officers and employees appointed by the City Commission;

(15) Appoint advisory boards;

(16) Exercise any right or authority given or permitted by the constitution and the laws of the State of Florida to City Commissions not inconsistent with the provisions of this charter.

Section 10. Appointment of City Manager. The City Commission shall appoint an officer of the City, who shall have the title of City Manager, and shall have the powers and perform the duties provided in this charter. No City Commissioner shall receive such appointment during the term for which he shall have been elected, nor within one year after the expiration of his term.

Section 11. Removal of City Manager. The City Commission shall appoint the City Manager for an indefinite term, and may remove him by a majority vote of its members. At least 30 days before such removal shall become effective, the City Commission shall, by a majority vote of its members, adopt a preliminary resolution stating that they intend to remove the City Manager. The City Commission may, in its discretion, furnish the City Manager in writing the reasons for such removal, and it may, in its discretion, give him a public hearing upon the same before the City Commission, which public hearing shall be held not earlier than 20 nor later than 30 days after the adoption of such preliminary resolution. After expiration of 30 days from the passing of such preliminary resolution, the City Commission, by a majority vote of its members, may adopt a final resolution of removal. By the preliminary resolution the City

Commission may suspend the City Manager from duty, but shall in any case cause to be paid him any unpaid balance of his salary, and his salary for the time between the preliminary resolution and final resolution of removal.

Section 12. Vacancies in the City Commission. If any vacancy occurs in the City Commission, the City Commission shall elect within 15 days, by the affirmative votes of not less than three members, an eligible person to fill the vacancy until the next general election.

Section 13. Creation of New Departments or Offices; Change of Duties. The City Commission by ordinance may create, change and abolish offices, departments or agencies, other than the offices, departments and agencies established by this charter. With the exception of the City Clerk, and City Comptroller, the City Commission may by ordinance assign additional functions or duties to the offices, departments or agencies established by this charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this charter to a particular office, department or agency.

Section 14. Induction of City Commission into Office; Meetings of City Commission. After each general election, the newly elected city commissioners shall assume the duties of office at a meeting of the city commission held at 8:00 p.m. on the first Tuesday in November. All other regular meetings of the city commission shall be fixed by ordinance, but there shall not be less than one regular meeting each month. All official meetings of the city commission shall be held at the city hall and be open to the public.

History: Amended by Ch. 61-1862, Laws of Fla.

Section 15. City Commission to be Judge of Qualifications of its Members. The City Commission shall be the judge of the election and qualifications of its members, and for such purposes shall have power to subpoena witnesses and require the production of records.

Section 16. Rules of Procedure; Journal of Minutes. The City Commission shall determine its own rules and order of business. It shall require a journal or minutes of its proceedings to be kept and the journal or minutes shall be open to public inspection.

Section 17. Ordinances. In addition to such acts of the City Commission as are required by statute or by this charter to be by ordinance, every act of the City Commission establishing a fine or other penalty, or providing for the appropriation of funds, or for the contracting of indebtedness, or for the sale of real property shall be by ordinance. The enacting clause of all ordinances shall be: "BE IT ENACTED BY THE PEOPLE OF THE CITY OF ATLANTIC BEACH, FLORIDA."

Section 18. Procedure for Passage of Ordinances; First Reading. Every ordinance shall

be introduced in writing, and after passage on first reading shall be publicly posted at the City Hall at least once, together with a notice of the time and place when and where it will be given a public hearing and be considered for final passage. The posting shall be at least five days prior to the time of its public hearing and final passage.

Section 19. Second Reading; Public Hearing; Further Consideration; Final Passage. At the time and place so posted, or at any time and place to which such hearing shall from time to time be adjourned, such ordinance shall be read in full and, after such reading, all persons interested shall be given an opportunity to be heard. After such hearing, the Commission may finally pass such ordinance with or without amendment. The second passage of any ordinance pursuant to this charter shall be final and no further passage shall be required.

Section 20. Further Consideration; Final Passage. After such hearing, the City Commission may finally pass such ordinance with or without amendment, except that if it shall make an amendment which constitutes a change of substance, it shall not finally pass the ordinance until it shall have caused the amended sections to be posted at least once, together with a notice of the time and place when and where such amended ordinance will be further considered, which posting shall be at least five days prior to the time stated. At the time so posted, or at any time and place to which such meeting shall be adjourned, the amended ordinance shall be read in full, and a public hearing thereon shall be held, and after such hearing the City Commission may finally pass such amended ordinance, or again amend it subject to the same conditions. The second passage of any ordinance pursuant to this charter shall be final and no further passage shall be required.

Section 21. Publication of Ordinances After Final Passage; Permissive Referendum. After final passage every ordinance shall again be posted in full, and, except as otherwise provided in this charter, shall be subject to permissive referendum as provided in Article X of the charter. Every ordinance, unless it shall specify another date, shall become effective at the expiration of twenty days after such posting following final passage, or if the ordinance be submitted at a referendum election, then upon a favorable vote of a majority of those voting thereon, except as otherwise expressly provided by this charter.

Section 22. Exception as to Newspaper Publication of Ordinances. Notwithstanding the provisions of the foregoing section, ordinances need not be published in a newspaper, either before or after final passage. In lieu of publication of the ordinance, at least three (3) correct copies thereof in the form in which it has been passed on its first reading shall be made available to public inspection in the office of the City

Clerk, and there shall be posted a notice describing the ordinance in brief and general terms and stating that it is available for public inspection in the office of the City Clerk, together with the time and place when and where it will be considered for final passage; and after final passage there shall be posted a notice describing the ordinance in brief and general terms and stating that its available for public inspection in the office of the City Clerk, and the date upon which it will take effect, unless submitted to referendum, in which event that it will not take effect unless approved as required by law.

Section 23. Emergency Ordinances. The City Commission by unanimous vote, may enact ordinances dealing with emergencies. Any new and unexpected condition or occurrence of a non-recurring nature, that constitutes an immediate and serious menace to the public welfare of the City, shall be deemed an emergency. When no expenditure of City funds is entailed emergency ordinances may be temporarily effective for a period of not more than twenty days from the date of their passage on their first reading; but such ordinances shall be subject to all other provisions of this charter governing the enactment of ordinances, and if not finally adopted in the manner herein provided shall expire at the end of the time for which they are temporarily effective. An emergency ordinance authorizing the expending of funds by the City for other than a regular or recurring requirement, may be effective upon any date fixed in

the ordinance by the City Commission; provided that the ordinance shall not authorize the expenditure in any manner of any greater sum than the unexpended balances in the current contingent funds. Every emergency ordinance shall set forth specifically the conditions or occurrences that create the emergency, and shall be printed in full in the first issue of any newspaper thereafter published and of general circulation in Duval County, Florida, in addition to the other postings required herein, and shall be captioned as an emergency ordinance. Failure on the part of the City Commissioners to comply with the provisions of this section when enacting emergency ordinances shall be ground for recall.

Section 24. Independent Annual Audit. At the beginning of each fiscal year the Commission shall designate a certified public accountant or a firm of certified public accountants who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the City government and shall submit a written report to the Commission and to the City Manager. Such accountants shall have no personal interest, direct or indirect, in the fiscal affairs of the City government or of any of its officers. They shall not maintain any accounts or records of the City business, but, within specifications approved by the Commission shall post-audit the books and documents kept by the City Comptroller and any separate or subordinate accounts kept by any other office, department or agency of the City government.

ARTICLE III

THE CITY MANAGER

Section 25. Qualifications. The City Manager shall be chosen by the City Commission solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. At the time of his appointment, he need not be a resident of the City or state, but during his tenure of office he shall reside within the City.

Section 26. Powers and Duties. The City Manager shall be the chief executive officer and head of the administrative branch of the City government, except as herein provided. He shall be responsible to the City Commission for the proper administration of all affairs, except as otherwise provided in this charter, of the City and to that end, subject to civil service or personnel provisions provided for in this charter, he shall have power and shall be required to:

(1) Appoint and, when necessary for the good of the City, remove all officers and employees of the City, except as otherwise provided by this charter, and except as he may authorize the head of a department or office to

appoint and remove subordinates in such department or office;

(2) Prepare the budget annually and submit it to the City Commission, and be responsible for its administration after adoption;

(3) Prepare and submit to the City Commission, as of the end of the fiscal year, a complete report on the finances and administrative activities of the City for the preceding year;

(4) Keep the City Commission advised of the financial condition and future needs of the City, and make such recommendations as may seem to him desirable;

(5) Perform such other duties as may be prescribed by this charter or required of him by the City Commission, not inconsistent therewith.

Section 27. Absence of the City Manager. To perform his duties during his temporary absence or disability, the City Manager may designate, by letter filed with the City Clerk, a qualified administrative officer of the City. In the event of the failure of the City Manager to make such designation, the City Commission may by resolution appoint an officer of the City

to perform the duties of the City Manager until he shall return, or his disability shall cease.

Section 28. Administrative Departments. There may be a department of finance, department of personnel, and such other departments as may be established by ordinance.

Section 29. Directors of Departments. At the head of each department placed under the City Manager as provided herein, there shall be an officer of the City who shall have supervision and control of the department subject to the City Manager. Except as herein provided, two

or more departments may be headed by the same individual. The City Manager may head one or more departments, and heads of departments may also serve as chiefs of divisions.

Section 30. Departmental Divisions. The work of each department shall be distributed among such divisions thereof as may be established by ordinance. Pending the passage of an ordinance or ordinances distributing the work of departments under the supervision and control of the City Manager among specific divisions thereof, the City Manager shall establish temporary divisions.

ARTICLE IV

CITY COMPTROLLER, CITY CLERK CITY TREASURER & CITY TAX ASSESSOR

Section 31. City Clerk. The City Commission shall appoint an officer of the City who shall have the title of City Clerk. He shall serve at the pleasure of the City Commission and shall be under its direction and control. He shall receive a salary to be fixed by the City Commission. He shall give notice of the meetings of the City Commission; shall keep the minutes of its proceedings; shall be custodian of the City's seal; shall authenticate by his signature and record in full in a book kept for that purpose all ordinances and resolutions; shall perform the duties of registration officer and shall perform any other duties required by this charter. If a person qualified to fill the positions be available, the office of City Clerk may, at the discretion of the City Commission, be combined with that of the City Comptroller and City Treasurer. Notwithstanding any other provision of law, or of this charter, the office of the City Clerk shall never be combined with any office other than City Comptroller or City Treasurer, or given any other duties except those specifically delegated in this charter to either the City Comptroller and City Treasurer. The City Clerk shall have the power to administer oaths.

Section 32. City Comptroller. The City Commission shall appoint an officer of the City who shall have the title of City Comptroller. He shall serve at the pleasure of the City Commission and shall be under its direction and control. He shall receive a salary to be fixed by the City Commission. He shall have knowledge of accounting and shall have had experience in budgeting and financial control. If a person qualified to fill the positions be available, the office of the City Comptroller may, at the discretion of the City Commission, be combined with that of City Clerk and City Treasurer. Notwithstanding any other provision of law, or of this charter, the office of City Comptroller shall never be combined with any office other than that of City Clerk or City Treasurer, or given any other duties except those specifically delegated in this charter to either the City Clerk or

City Treasurer. The City Comptroller shall have power and be required to:

(1) Exercise financial budgetary control over every department, board, commission, and agency of the City to insure that all moneys are legally expended, and that budget appropriations are not exceeded;

(2) Prescribe the forms of accounting and the forms of receipts, vouchers, bills, claims or other forms to be used by all the officers, boards, commissions, and agencies of the City government, in and about its fiscal affairs;

(3) Audit all bills, invoices, payrolls and other evidences of claims, demands or charges against the City government;

(4) Inspect and audit any accounts or records which may be maintained in any office, department or agency of City government;

Section 33. City Tax Assessor. The City Commission shall appoint an officer of the City who shall have the title of City Tax Assessor. He shall serve at the pleasure of the City Commission and shall be under its direction and control. He shall receive such compensation as shall be fixed by the City Commission. He shall prepare tax maps, assess all properties subject to annual taxation within the corporate limits of the City for taxation and shall perform all the usual duties of a Tax Assessor; provided, however, that the City Commission may by Ordinance provide that the City Tax Assessor in the preparation of the roll shall adopt the assessments either as to personal property, or real estate, or both, made by the Tax Assessor of Duval County, Florida, upon such property in the City subject to taxation by it. Notwithstanding any other provision of law, or of this charter, the office of City Tax Assessor shall never be combined with any other office of the City.

History: Amended by Ch. 67-1086, Laws of Fla.

Section 34. City Treasurer. The City Commission shall appoint an officer of the City who shall have the title of City Treasurer. He shall serve at the pleasure of the City Commission

and shall be under its direction and control. He shall receive such compensation to be fixed by the City Commission. He shall collect, receive and account for all taxes, fees, or other funds due the City and shall be custodian of such funds. All funds of the City shall be deposited by the City Treasurer in such banks or depositories as may be directed from time to time by the City Commission and shall be withdrawn and disbursed from time to time in such manner as may be provided by resolution

of the City Commission. If a person qualified to fill the position be available the office may be combined with that of City Clerk and City Comptroller at the discretion of the City Commission. Notwithstanding any other provision of law, or of this charter, the office of City Treasurer shall never be combined with any office other than that of City Clerk or City Comptroller, or given any other duties except those specifically designated in this charter to either the City Clerk or City Comptroller.

ARTICLE V

DEPARTMENT OF PUBLIC SAFETY

Section 35. Director of Public Safety. There shall be a Police Department and a Fire Department; the supervisory head of which shall be the Director of Public Safety, who shall be a Commissioner, the City Manager, or any other qualified person as provided by ordinance. In the absence of such an ordinance the City Manager shall be the Director of Public Safety.

Section 36. Police Department. The Chief of Police shall be the head of the Police Department and shall be appointed and removed by the Director of Public Safety, subject to the approval of the City Commission. He shall receive such compensation as determined by the City Commission.

Section 37. Chief of Police, Duties and Authority. It shall be the duty of the Chief of Police to attend all meetings of the City Commission as required by the City Commission; to aid in the enforcement of order and to enforce the City's ordinances; to execute all papers and processes of the City or its authorities; to attend municipal court during its sittings; to execute its commands and to aid in the enforcement of order therein and to perform such other duties as may be lawfully required of him. Subject to the authority and instruction of the City Commission and under the supervision of the Director of Public Safety, the Chief of Police shall have and exercise control over the Police Department.

Section 38. Chief of Police, his Deputies; Powers and Authority. The Chief of Police and

his deputies shall have the power and authority to immediately arrest, with or without warrant, and also to take into custody any person who shall commit, threaten or attempt to commit, in his presence or within his view, any offense prohibited by the ordinances and laws of the City of Atlantic Beach and shall without unnecessary delay, bring the offenders before the municipal court to be dealt with according to law.

Section 39. Fire Department. The Fire Chief shall be the head of the Fire Department and shall be appointed and removed by the Director of Public Safety, subject to the approval of the City Commission. He shall receive such compensation as determined by the City Commission.

Section 40. Fire Chief; Duties and Authority. It shall be the duty of the Fire Chief to attend all meetings of the City Commission as required by the City Commission; to aid in the enforcement of all City ordinances relating to the prevention and extinguishment of fires and the protection of life and property within the limits of the City of Atlantic Beach, and to execute all papers and process of the City or its authorities relating thereto, and to perform such other duties as may be lawfully required of him. Subject to the authority and instruction of the City Commission and under the supervision of the Director of Public Safety, the Fire Chief shall have and exercise control over the Fire Department.

ARTICLE VI

BUDGET

Section 41. Fiscal Year. The fiscal year of the City government shall be established by the City Commission by ordinance. Such fiscal year shall also constitute the budget and accounting year for all funds of the City. As used in this charter the term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

Section 42. Preparation and Submission of

Budget. The City Manager, at least thirty-five days prior to the beginning of each budget year, shall submit to the Commission a budget and an explanatory budget message in the form and with the contents provided by Section 53 through 62, inclusive. For such purpose, at such date as he shall determine, he, or an officer designated by him, shall obtain from the head of each office, department or agency esti-

mates of revenue and expenditure of that office, department or agency, detailed by organization units and character and object of expenditure, and such other supporting data as he may request; together with an estimate of all capital projects pending or which such department head believes should be undertaken (a) within the budget year and (b) as requested within succeeding years. In preparing the budget, the City Manager shall review the estimates, shall hold hearings thereon and may revise the estimates, as he may deem advisable.

Section 43. Budget a Public Record. The budget and budget message and all supporting schedules shall be a public record in the office of the City Clerk open to public inspection by anyone.

Section 44. Publication of Notice of Public Hearing. At the meeting of the Commission which the budget and budget message are submitted, the Commission shall determine the place and time of the public hearing on the budget, and shall cause to be published a notice of the place and time, not less than seven days after date of publication, at which the Commission will hold a public hearing.

Section 45. Public Hearing on Budget. At the time and place so advertised, or at any time and place to which such public hearing shall from time to time be adjourned, the Commission shall hold a public hearing on the budget as submitted, at which all interested persons shall be given an opportunity to be heard, for or against the estimates or any item thereof.

Section 46. Further Consideration of Budget. After the conclusion of such public hearing, the Commission may insert new items or may increase or decrease the items of the budget.

Section 47. Balance of Budget. After such hearing, the Commission may insert the additional item or items, and make the increase or increases, or to a lesser amount, but where it shall increase the total proposed expenditures, it shall also increase the total anticipated revenue to at least equal such total proposed expenditures.

Section 48. Vote Required for Adoption. The budget shall be adopted by the favorable votes of at least a majority of all the members of the Commission.

Section 49. Date of Final Adoption; Failure to Adopt. The budget shall be finally adopted not later than the twenty-seventh day of the last month of the fiscal year prior to the beginning of the next budget year. Should the Commission take no final action on or prior to such day, the budget, as submitted, shall be deemed to have been finally adopted by the Commission.

Section 50. Effective Date of Budget; Certification; Copies Made Available. Upon the final

adoption, the budget shall be in effect for the budget year. A copy of the budget, as finally adopted, shall be certified by the City Manager and City Clerk and filed in the office of the City Comptroller. The budget so certified shall be printed, mimeographed or otherwise reproduced and sufficient copies thereof shall be made available of the use of all offices, departments, and agencies and for the use of interested persons and civic organizations.

Section 51. Budget Establishes Appropriations. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named.

Section 52. Budget Establishes Amount to be Raised by Property Tax; Certification to Taxing Authority. From the effective date of the budget, the amount stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the City, in the corresponding tax year. A copy of the budget as finally adopted shall be certified by the City Manager and filed by him with the officer, board, or commission whose duty it shall be to levy such taxes for the corresponding year.

Section 53. Budget Message; Current Operations. The budget message submitted by the City Manager to the Commission shall be explanatory of the budget, shall contain an outline of the proposed financial policies of the City for the budget year and shall describe in connection therewith the important features of the budget plan. It shall set forth the reasons for salient changes from the previous year in cost and revenue items and shall explain any major changes in financial policy.

Section 54. Budget Message; Capital Improvements. As a part of the budget message, with relation to the proposed expenditures for down payments and other proposed expenditures for capital projects stated in the budget, the City Manager shall include a statement of pending capital projects and proposed new capital projects, relating the respective amounts proposed to be raised therefor by appropriations in the budget and the respective amounts, if any, proposed to be raised therefor by the issuance of bonds during the budget year.

Section 55. Budget Message; Capital Program. The City Manager shall also include in the message, or attach thereto, a capital program of proposed capital projects for such succeeding years as the Commission may require.

Section 56. Budget Message; Supporting Schedule. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material, in respect to both current operations and capital improvements, as the City Manager shall believe useful to the Commission.

Section 57. Budget. The budget shall provide a complete financial plan for the budget year. It shall contain in tabular form:

(a) Detailed estimates of all anticipated revenues applicable to proposed expenditures;

(b) All proposed expenditures.

The total of such anticipated revenues shall equal the total of such proposed expenditures.

Section 58. Anticipated Revenues. Anticipated revenues shall be properly classified as to source.

Section 59. Anticipated Revenues Compared With Other Years. In parallel columns opposite the several items of anticipated revenues there shall be placed the amount of each such item in the budget of the last completed fiscal year, the amounts of such items actually received during the year, the amount of each such item in the budget of the current fiscal year and the amount actually received to the time of preparing the budget plus receipts for the remainder of the current fiscal year estimated as accurately as may be.

Section 60. Surplus. Surplus shall include revenue receipts made available by the lapsing of unencumbered appropriation balances at the beginning of the budget year; receipts from

unanticipated miscellaneous revenues of the preceding fiscal year; receipts from anticipated miscellaneous revenues of the preceding fiscal year in excess of the estimates in the budget; and receipts during the previous fiscal year from taxes or liens against which a complete reserve has been established.

Section 61. Proposed Expenditures; Comparison With Other Years. In parallel columns opposite the several items of proposed expenditures, there shall be placed the amount of each such item in the budget of the last completed fiscal year, the amount of such items actually expended during such year, the amount of each such item in the budget of the current year and the amount actually expended to the time of preparing the budget plus the expenditures for the remainder of the current fiscal year estimated as accurately as may be.

Section 62. Budget Summary. At the head of the budget there shall appear a summary of the budget, which need not be itemized further than by principal sources of anticipated revenue, stating separately the amount to be raised by property tax, and by departments and kinds of expenditures, in such a manner as to present to taxpayers a simple and clear summary of the detailed estimates of the budget.

ARTICLE VII

DEPARTMENT OF FINANCE

Section 63. Director of Finance; Appointment. The City Commission may, at its discretion, establish a Department of Finance, the head of which shall be the Director of Finance, whose qualifications, powers, duties and method of appointment shall be defined by ordinance.

Section 64. Work Programs; Allotments. Before the beginning of the budget year, the head of each office, department or agency shall submit to the City Manager, when required by him, a work program for the year, which program shall show the requested allotments of the appropriations for such office, department or agency, by monthly period, for the entire budget year. The City Manager shall review the requested allotments in the light of the work program of the office, department or agency concerned, and may revise, alter or change such allotments before approving the same. The aggregate of such allotments shall not exceed the total appropriation available to said office, department or agency for the budget year.

Section 65. Allotments Constitute Basis of Expenditures and are Subject to Revision. The City Manager shall authorize all expenditures for the offices, departments and agencies to be made from the appropriation on the basis of approved allotments and not otherwise. An approved allotment may be revised during the budget year in the same manner as the original

allotment was made. If, at any time during the budget year, the City Manager shall ascertain that the available income, plus balances, for the year will be less than the total appropriations, he shall reconsider the work program and allotments of the several offices, departments and agencies and revise the allotments so as to forestall the making of expenditures in excess of the said income.

Section 66. Transfers of Appropriations. The city manager may at any time transfer any unencumbered appropriation balance, or portion thereof, between general classifications of expenditures within an office, department or agency. At the request of the city manager, the city commission by resolution may at any time transfer any unencumbered appropriation balance, or portion thereof, from one office, department or agency to another office, department or agency.

History: Amended by Ch. 61-1863, Laws of Fla.

Section 67. When Contracts and Expenditures Prohibited. No officer, department, or agency shall, during any budget year, expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, for any purpose, in excess of the amounts appropriated for that general classification of expenditure pursuant to this charter. Any contract, verbal or written, made in violation of this

charter shall be null and void. Any officer or employee of the City who shall violate this section shall be guilty of a misdemeanor and, upon conviction thereof, shall cease to hold his office or employment. Nothing in this section contained, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law.

Section 68. Appropriations Lapse at End of Year. All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended.

Section 69. Fees Shall be Paid to City Government. All fees received by an officer or employee shall belong to the City government and shall be paid daily to the City Treasury.

Section 70. Division of Purchases. The City Manager or his appointed Purchasing Agent, pursuant to rules and regulations established by ordinances, shall contract for, purchase, store and distribute all supplies, materials and equipment required by any office, department or agency of the City government. The Purchasing Agent shall also have power and shall be required to:

(1) Establish and enforce specifications with respect to supplies, materials, and equipment required by the City government;

(2) Inspect or supervise the inspection of all deliveries of supplies, materials, and equipment, and determine their quality, quantity and conformance with specifications;

(3) Have charge of such general storerooms and warehouses as the Commission may provide by ordinance;

(4) Transfer to or between offices, departments or agencies.

Section 71. Competitive Bidding. Before the City Manager or his appointed Purchasing Agent makes any purchase of or contract for supplies, materials or equipment, he shall give ample opportunity for competitive bidding, under such rules and regulations, and with such exceptions, as the Commission may prescribe by ordinance.

Section 72. Contracts for City Improvements. Any City improvement costing more than \$1,000.00 shall be executed by contract except where such improvement is authorized by the Commission to be executed directly by a City Department in conformity with detailed plans,

specifications and estimates. All such contracts for more than \$1,000.00 shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance, provided the City Manager, with approval of the City Commission, shall have the power to reject all bids and advertise again. Alterations in any contract may be made when authorized by the Commission upon the written recommendation of the City Manager.

Section 73. Accounting Control of Purchases. All purchases made and contracts executed by the City Manager or his appointed Purchasing Agent shall be pursuant to a written requisition from the head of the office, department or agency whose appropriation will be charged, and no contract or order shall be issued to any vendor unless there is to the credit of such office, department or agency a sufficient unencumbered appropriation balance to pay for the supplies, materials, equipment or contractual services for which the contract or order is to be issued.

Section 74. No Contract Executed Until Bond Ordinance Effective. No contract shall be executed for the acquisition of any property or the construction of any improvement or betterment to be financed by the issuance of bonds until the ordinance authorizing the issuance of such bonds shall have taken effect and any contract executed before such day shall be unenforceable in any court of law.

Section 75. Emergency Appropriations. At any time in any budget year, the Commission may, pursuant to this Section, make emergency appropriations to meet a pressing need for public expenditure, for other than a regular recurring requirement, to protect the public health, safety or welfare. Such appropriation shall be by ordinance adopted by the favorable votes of at least four-fifths of the members of the Commission, and shall be made only upon recommendation of the City Manager.

Section 76. Temporary Borrowing. When deemed necessary the Commission may, by ordinance, authorize the issuance of certificates of indebtedness or notes in anticipation of the collection of taxes or of special assessments, provided that the amount of such obligations, except as to special assessments, shall at no time exceed one-half of one percent of the assessed value of taxable property in the City according to the last assessment roll preceding said loan. Such obligations shall be a first lien upon the proceeds of such taxes or assessments, and shall mature within thirty days after such taxes or assessments become collectible.

ARTICLE VIII DEPARTMENT OF PERSONNEL

Section 77. Establishment. A Department of Personnel may be established by ordinance. Such ordinance shall make provisions for a personnel director, the qualifications, powers, and duties of such director, the appointment of

a Civil Service Board, the qualifications, removal and vacancies of a Civil Service Board, and defining the powers, duties and service of such Board.

ARTICLE IX
ELECTIONS

Section 78. Elections. The City Commission shall, by ordinance, make all regulations which it considers needful or desirable, not inconsistent with this Charter, for the conduct of municipal elections, and for the prevention of fraud therein. Inspectors and clerks of elections shall be appointed by the City Commission.

Section 79. Electors. Any person who is a qualified elector of the State of Florida, and who has resided in the City for six months, shall be an elector of this City.

Section 80. Registration of Voters. The city clerk shall be the registration officer for the city and shall register all persons applying to him whose names are not already borne upon the registration record and who are qualified as electors under the provisions of this charter. For this purpose the registration record shall always be open at the office of the city clerk, except that same shall be closed for five (5) days before and during the day of any city election. Each person applying to be registered shall make the following oath, which will be administered by the registration officer or his duly appointed deputy: "I do solemnly swear (or affirm) that I am twenty-one (21) years of age, a resident of Florida for one (1) year, and of the city of Atlantic Beach for six (6) months; that I am a citizen of the United States; registered and qualified to vote under the constitution and laws of the state of Florida." Any person taking such oath who shall swear falsely shall be guilty of perjury. The name of each person so registered shall be entered in a record prepared for that purpose, which record shall show under appropriate heading the age, occupation, exact place of residence, other appropriate identification data and whether the registrant is a free-holder. The city commission may, by ordinance, provide for revision of the registration list of voters when, in their opinion, a revision is necessary. Provided, however, that as an alternative system for the registration of voters and for the maintenance of registration records by the city of Atlantic Beach as hereinabove provided, the city commission may, by ordinance, provide for the adoption of the registration records maintained by the supervisor of registration of Duval county, Florida, as the official voter registration rolls for the city of Atlantic Beach for all persons shown on such county registration rolls to have the qualification of electors of said city, as prescribed by chapter 57-1126, Laws of Florida, special acts of 1957.

History: Amended by Ch. 65-1248, Laws of Fla.

Section 81. Nominations. Any elector of the City having the additional qualifications and limitations as set forth in Article II, Section 6, may be nominated for the Commission by peti-

tion. A petition for this purpose shall be signed by not less than ten (10) qualified electors. Each petition shall designate the seat for which the candidate is nominated. The signatures of the nominating petition need not all be subscribed to one paper but to each separate paper there shall be attached a signed statement of the circulator thereof, stating the number of signers of such paper, and that each signature appended thereto was made in his presence, and is the genuine signature of the person whose name it purports to be. With each signature, including the signature of the circulator, shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify it. The form of the nominating petition shall be substantially as follows:

"We, the undersigned electors of the City of Atlantic Beach hereby nominate _____, whose residence is _____, for the office of Commissioner, Seat No. _____, to be voted for at the election to be held on the _____ day of _____, A. D.; and we individually certify that our names appear on the rolls of registered voters, that we are qualified to vote for a candidate for the Commission.

Name	Street and Number	Address from which
		last Date of Regis-
		tered (if Signing
		different)

(SPACES FOR SIGNATURES AND
REQUIRED DATA)

STATEMENT OF CIRCULATOR

The undersigned is the circulator of the foregoing paper containing _____ signatures. Each signature appended thereto was made in my presence and is the genuine signature of the person whose name it purports to be.

SIGNATURE OF CIRCULATOR _____
ADDRESS _____

Any signature made earlier than the 15th day of August next preceding the election shall be void. All nominating papers comprising a petition shall be filed as one instrument with the City Clerk, not earlier than 12:00 Noon on the first Tuesday of September, nor later than 12:00 Noon on the third Tuesday of September, before the election. The City Clerk shall make a record of the exact time at which each petition is filed, and shall take and preserve the name and address of the person by whom it is filed. No nominating petition shall be accepted unless accompanied by a signed acceptance of the nomination in substantially the following form:

"ACCEPTANCE OF NOMINATION"

"I hereby accept the nomination for Seat

No. _____ on the City Commission and agree to serve if elected.

(Signature of Candidate)"

Within five days after the filing of a nominating petition the City Clerk shall notify the candidate, and the person who filed the petition, whether or not it is found to be signed by the required number of qualified electors. If a petition is found insufficient, the City Clerk shall return it immediately to the person who filed it with a statement certifying wherein the petition is found insufficient. Within the regular time for filing petitions, such a petition may be amended and filed again as a new petition, in which case the time of the first filing shall be disregarded in determining the validity of signatures thereon, or a different petition may be filed for the same candidate. The petition of each person nominated to be a member of the City Commission shall be preserved by the City Clerk until the expiration of the term of office for which he has been nominated.

Section 82. Elections; Primary. A primary election for the nomination of candidates for the office of City Commissioners of the City, shall be held once every two years on the first Tuesday in October for each seat on the City Commission which shall become vacant at eight o'clock P.M. on the first Tuesday in November of the same year. The two candidates for each seat to be filled receiving the greatest number of votes in said primary shall be certified as candidates or nominees at the general election, provided, however, that should any candidate receive at such primary election a clear majority of all votes cast, he shall be declared regularly elected and shall not be required to enter the general election as hereinafter provided.

History: Amended by Ch. 61-1862, Laws of Fla.

Section 83. Elections; General. A regular or general election of candidates or nominees to the office of City Commissioner shall be held once every two years on the third Tuesday in October, unless all candidates or nominees for each seat shall have received a majority of all votes cast for such seat in the immediately preceding primary election, in which event such primary election shall be considered the general election for that year. The candidate or nominee receiving the clear majority of votes for

each seat at such general election shall be declared elected. In the event of a tie between two candidates for any seat upon the City Commission in the general election, another election shall be held on the Tuesday following the general election, and the two candidates receiving the equal votes shall be the only candidates on the ballot for such general election.

Section 84. Elections; Writing in of Candidates. In addition to the names printed on the ballots for primary and general elections, there shall be printed under each seat to be voted on at such election a blank line upon which the electors may write in the name of some person other than those printed on the ballot and cast their vote for such person as a candidate for such seat. In event the name of a single individual appears for more than one as a "write in" or otherwise, on any ballot, such "write in" shall be void and shall not be counted for any candidate whose name appears thereon.

Section 85. Absentee Voting. The City Commission shall, by ordinance, prescribe procedures for absentee voting.

Section 86. Elections; Governed by State Law or Ordinance. Except as herein specifically provided, all elections in the City shall be conducted substantially on the principles governing state elections, or as the City Commission shall by ordinance prescribe.

Section 87. Elections; Canvass of Returns. The polls shall open at seven o'clock A.M. and shall close at seven o'clock P.M. The result of the voting, when ascertained, shall be certified by return in duplicate, signed by the Clerk and a majority of the inspectors of the election, one copy being delivered by such Clerk and inspectors to the Mayor-Commissioner and the other to the City Clerk, both of whom shall transmit such returns to the City Commission at its next regular meeting thereafter. At such meeting the City Commission shall canvass the returns and the results as shown by such returns shall be by the City Commission declared as the result of the election. The City Clerk shall, not later than noon of the second day after the canvass of said election, furnish a certificate of election to each person shown to have been elected.

ARTICLE X

INITIATIVE AND REFERENDUM

Section 88. Power of Initiative. The electors shall have power to propose any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, and to adopt or reject the same at the polls, such power being known as the initiative. Any initiated ordinance may be submitted to the Commission by a petition signed by registered electors of the City equal in number to at least twenty-five per cen-

tum of the registered electors at the last regular municipal election.

Section 89. Power of Referendum. The electors shall have power to approve or reject at the polls any ordinance passed by the Commission, or submitted by the Commission to a vote of the electors, except as provided for Bond Ordinances, such power being known as the referendum. Ordinances submitted to the Com-

mission by initiative petition and passed by the Commission without change shall be subject to the referendum in the same manner as other ordinances. Within twenty days after the enactment by the Commission of any ordinance which is subject to a referendum, a petition signed by registered electors of the City equal in number to at least twenty-five per centum of the registered electors at the last preceding regular municipal election may be filed with the City Clerk requesting that any such ordinance be either repealed or submitted to a vote of the electors.

Section 90. Form of Petitions; Committee of Petitioners. All petition papers circulated for the purpose of an initiative or referendum shall be uniform in size and style. Initiative petition papers shall contain the full text of the proposed ordinance. The signatures to initiative or referendum petitions need not all be appended to one paper, but to each separate petition there shall be attached a statement of the circulator thereof as provided by this section. Each signer of any such petition paper shall sign his name in ink or indelible pencil and shall indicate after his name his place of residence by street and number, or other description sufficient to identify the place. There shall appear on each petition the names and addresses of the same five electors, who, as a committee of the petitioners, shall be regarded as responsible for the circulation and filing of the petition. Attached to each separate petition paper there shall be an affidavit of the circulator thereof that he, and he only, personally circulated the foregoing paper, that it bears a stated number of signatures, that all the signatures appended thereto were made in his presence, and that he believes them to be the genuine signatures of the persons whose names they purport to be.

Section 91. Filing, Examination and Certification of Petitions. All petition papers comprising an initiative or referendum petition shall be assembled and filed with the City Clerk as one instrument. Within twenty days after a petition is filed, the City Clerk shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified electors. The City Clerk shall declare any petition paper entirely invalid which does not have attached thereto an affidavit signed by the circulator thereof. If a petition paper is found to be signed by more persons than the number of signatures certified by the circulator, the last signatures in excess of the number certified shall be disregarded. If a petition paper is found to be signed by fewer persons than the number certified, the signatures shall be accepted unless void on other grounds. After completing his examination of the petition, the City Clerk shall certify the result thereof to the Commission at its next regular meeting. If he shall certify that the petition is insufficient he shall set forth in his certificate the particulars in which it is defective and shall at once

notify the committee of the petitioners of his findings.

Section 92. Amendment of Petitions. An initiative or referendum petition may be amended at any time within ten days after the notification of insufficiency has been sent by the City Clerk, by filing a supplementary petition upon additional papers signed and filed as provided in case of an original petition. The City Clerk shall, within five days after such an amendment is filed, make examination of the amended petition, and, if the petition be still insufficient, he shall file his certificate to that effect in his office and notify the committee of the petitioners of his findings and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

Section 93. Effect of Certification of Referendum Petition. When a referendum petition, or amended petition, as defined in Section 92 of this Charter, has been certified as sufficient by the City Clerk, the ordinance specified in the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect, until and unless approved by the electors, as hereinafter provided.

Section 94. Consideration by Commission. Whenever the Commission receives a certified initiative or referendum petition from the City Clerk, it shall proceed at once to consider such petition. A proposed initiative ordinance shall be read and provision shall be made for a public hearing upon the proposed ordinance. The Commission shall take final action on the ordinance not later than sixty days after the date on which such ordinance was submitted to the Commission by the City Clerk. A referred ordinance shall be reconsidered by the Commission and its final vote upon such reconsideration shall be upon the question, "Shall the ordinance specified in the referendum petition be repealed?"

Section 95. Submission to Electors. If the Commission shall fail to pass an ordinance proposed by initiative petition, or shall pass it in a form different from that set forth in the petition therefor, or if the Commission fails to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the electors not less than thirty days nor more than one year from the date the Commission takes its final vote thereon. The Commission may, in its discretion, and if no regular election is to be held within such period, provide for a special election.

Section 96. Form of Ballot for Initiated and Referred Ordinances. Ordinances submitted to vote of the electors in accordance with the initiative and referendum provisions of this Charter shall be submitted by ballot title, which shall be prepared in all cases by the director of

law or other principal legal adviser of the City. The ballot title may be different from the legal title of any such initiated or referred ordinance and shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance. The ballot used in voting upon any ordinance, if a paper ballot, shall have below the ballot title the following propositions, one above the other, in the order indicated: "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE." Immediately at the left of each proposition there shall be a square in which by making a cross (X) the elector may vote for or against the ordinance. Any number of ordinances may be voted on at the same election and may be submitted on the same ballot, but any paper ballot used for voting thereon shall be for that purpose only. If voting machines are used, the ballot title of any ordinance shall have below it the same two propositions, one above the other or one preceding the other in the order indicated, and the elector shall be given an opportunity to vote for either of the two propositions and thereby to vote for or against the ordinance.

Section 97. Availability of List of Qualified

Electors. If any organization or group requests it for the purpose of circulating descriptive matter relating to the ordinance to be voted on, the board of elections or City Clerk, or other office, department or agency of the City having the list of qualified electors shall either permit such organization or group to copy the names and addresses of the qualified electors or furnish it with a list thereof.

Section 98. Results of Election. If a majority of the electors voting on a proposed initiative ordinance shall vote in favor thereof, it shall thereupon be an ordinance of the City. A referred ordinance which is not approved by a majority of the electors voting thereon shall thereupon be deemed repealed. If conflicting ordinances are approved by the electors at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

Section 99. Repealing Ordinances; Posting. Initiative and referendum ordinances adopted or approved by the electors shall be posted, and may be amended or repealed by the Commission, as in the case of other ordinances.

ARTICLE XI RECALL

Section 100. Recall Petition. Any or all members of the City Commission may be removed from office by the electors by the following procedure: A petition for the recall of the City Commissioner or Commissioners designated, signed by at least twenty-five per centum of the qualified electors of the City who were registered at the last regular municipal election, and containing a statement in no more than two hundred words of the reasons of the recall, shall be filed with the City Clerk, who shall forthwith notify the City Commissioner or Commissioners sought to be recalled, and he or they, within five days after such notice, may file with such City Clerk a defensive statement in not exceeding two hundred words. The City Clerk shall at once upon the expiration of said five days cause sufficient number of typewritten copies of such petition, without the signatures, to be made, and to each of them he shall attach a printed or typewritten copy of such defensive statement, if one is furnished him within the time stated. He shall cause copies of such petitions to be placed on file in some convenient public place in the City Hall and provide facilities there for signing same, and he shall immediately cause notice to be published in some newspaper of general circulation in the City of the placing of such copies of such petitions. Such copies of such petitions shall remain on file in the place designated for the period of thirty days, during which any of them may be signed by an elector of the City in person; but not by agent or attorney. Each signer of any such copy shall sign his name in ink or indelible

pencil and shall place thereafter his residence by street number, if a number has been assigned to his residence.

Section 101. Notice. At the expiration of said period of thirty days the City Clerk shall assemble all of said copies in his office as one instrument, and shall examine the same and ascertain and certify thereon whether the signatures thereto amount to at least twenty-five percent of the registered electors of the City. If such signatures do amount to said twenty-five percent, he shall at once serve notice of that fact upon the City Commissioner or Commissioners designated in the petition, and also deliver to the City Commission a copy of the original petition with his certificate as to the percentage of registered electors who signed the same and a certificate as to the date of his last mentioned notice to the City Commissioner or Commissioners designated in the petition.

Section 102. Recall Election. If the City Commissioner or Commissioners or any of them, file with the City Clerk within five days after the last mentioned notice his or their written resignation, the said City Clerk shall at once notify the City Commission of that fact and such resignation shall be irrevocable, and the City Commission shall proceed to fill the vacancy. In the absence of any resignation the City Commission shall forthwith order and fix a day for holding a recall election for the removal of those not resigning. Any such election shall be held not less than thirty days nor more than sixty days after the expiration of

the period of five days last mentioned, and at the same time as any other general or special election held within such period; but if no such general or special election be held within such period, the City Commission shall call a special election to be held within the period aforesaid. Should the City Commission fail to refuse to order an election as herein provided within the time required such election may be ordered by any court of competent jurisdiction.

Section 103. Ballots. The ballots at such recall election shall conform to the following requirements: With respect to each person whose removal is sought, the question shall be submitted: "Shall (Name of Person) be removed from the office of City Commissioner by recall?", and immediately following each such question there shall be printed on the ballots the two propositions in the order here set forth:

"For the recall of (Name of Person)"

"Against the recall of (Name of Person)"

Immediately to the left of each of the propositions shall be placed a square on which the electors, by making a cross mark (X) may vote upon either of such propositions.

Section 104. Filling of Vacancies. In any such election, if a majority of the votes cast on the question of removal of any City Commissioner are affirmative, the person whose removal is sought shall thereupon be deemed removed from office upon the announcement of the official canvass of that election, and the vacancy caused by such recall shall be filed by the remainder of the City Commission, according to the provisions of this charter. If, however, an election is held for the recall of more than one City Commissioner, candidates to succeed them for the unexpired terms shall be voted upon at the same election, and shall be nominated without primary election, by petition signed by ten qualified electors of said City. The petition shall contain the name of such person whose name is presented for a place on the ballot, and that such person is a candidate for the office of City Commissioner for the City, and each elector signing the petition shall add to his signature his place of residence with street and number if a number has been assigned to his place of residence, and the date of signing, and all signatures shall be made with ink or indelible pencil. To such petition shall be attached an affidavit of the circulator thereof, stating the number of signers thereto, that each person signed in his presence on the date mentioned, and that the signature is that of the person whose name it purports to be. Such petition shall be filed with the City Clerk not less than fifteen days previous to the date of such election. Any person whose name has been submitted for candidacy by any such petition shall file his acceptance of such candidacy with the City Clerk not later than ten days previous to

such election; otherwise his name shall not appear on the ballot. But no such nominating petition shall be signed or circulated until after the time has expired for signing the copies of the petition for recall, and any signatures thereon antedating such time shall not be counted.

Section 105. Counting the Vote. Candidates shall not be nominated to succeed any particular City Commissioner; but if only one City Commissioner is removed at such election, the candidate at such election receiving the highest number of votes shall be declared elected to fill the vacancy until the next general election; and if more than one City Commissioner is removed at such election the candidates at such election with the highest number of votes, equal in number to the number of City Commissioners removed shall be declared elected to fill the vacancies until the next general election.

Section 106. Effect of Resignation. No proceedings for the recall of all the members of the City Commission at the same election shall be defeated in whole or in part by the resignation of any or all of them, but upon the resignation of any of them, the City Commission shall have power to fill the vacancy until a successor is elected, and the proceedings for the recall and election of successors shall continue and have the same effect as though there had been no resignation.

Section 107. Miscellaneous Provisions. Except as herein otherwise provided, no petition to recall any City Commissioner shall be filed within six months after he takes office. The City Clerk shall preserve in his office all papers comprising or connected with a petition for a recall for the period of one year after the same were filed. The method of removal herein provided is in addition to such other methods as are or may be provided by general law.

Section 108. Offenses Relating to Petitions. No person shall falsely impersonate another, or purposely write his name or residence falsely, in the signing of any petition for recall, or forge any name thereto, or sign any such paper with knowledge that he is not a qualified elector of the City. No person shall sign or knowingly permit to be signed, any petition for recall at any place other than that designated by the City Clerk. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined in any sum not to exceed \$500.00, and costs of prosecution, and may be imprisoned for not exceeding 60 days, or both, at the discretion of the municipal court. The foregoing provisions shall not be held to be exclusive of, but in addition to, all laws of the state prescribing penalties for the same offenses or for other offenses relating to the same matter.

ARTICLE XII FRANCHISES

Section 109. Granting of Franchises. The City shall have power to grant a franchise to any private or public enterprise for the use of streets and other public places in the furnishing of any public utility service to the City and to its inhabitants. All franchises and any renewals, extensions and amendments thereto shall be

granted only by ordinance, and under such limitations as may be provided by laws of the State of Florida. If the proposed franchise is for five years or more, the ordinance approving said franchise shall not be effective unless it is approved at a referendum in the same manner as provided in this charter for the approval of the issuance of bonds.

ARTICLE XIII TAX ADMINISTRATION

Section 110. Property Subject to Tax; Method of Assessment. All property within the City not expressly exempted by law shall be subject to annual taxation at its full cash value. The assessor shall begin the work of assessing all property on and as of the first day of January of each year. On or before the first day of July of each year, he shall present to the City Treasurer an assessment roll of the property taxable within the City, together with a true copy thereof to be known as the assessor's duplicate. The City Treasurer shall make the assessment roll available for public inspection during the period from the first day of July to the first day of August.

Section 111. Board of Assessment Review; Appointment; Vacancies. There shall be a Board of Assessment Review to consist of three members who shall be appointed by the City Commission for a term of three years, except that of those first appointed one shall be for a term of two years and one for a term of one year, at such salary as may be determined by the Commission. Vacancies in the membership of such board shall be filled by appointment by the Commission for the unexpired term.

Section 112. Board of Assessment Review; Qualifications.

(a) All members of such board shall be selected upon the basis of their knowledge of the subject of taxation and property values and shall at the time of their appointment have been residents of the City for at least two years immediately preceding and shall continue as residents during their terms of office. If a member of such board shall cease to be a resident his office shall thereby become vacant.

(b) No member of the board shall hold any elected public office.

Section 113. Board of Assessment Review; Powers and Duties. The Board of Assessment Review shall have the power to:

(1) Review on complaint of property owners assessments for the purpose of taxation of property within the City made by the City Assessor.

(2) Administer oaths.

(3) Take testimony.

(4) Hold hearings.

(5) Adopt regulations regarding the procedure of assessment review.

Such board shall annually choose from its membership a chairman and secretary, except that in lieu of one of the members of such board serving as secretary the Commission may authorize such board to appoint either a full-time or a part-time non-member secretary and to fix his compensation. Such board shall have power within the limits of its budget appropriation to employ such other necessary clerical assistance and to employ or contract for such technical assistance as may be necessary from time to time in the performance of its duties. The board shall be required to keep an accurate record of all its proceedings, which shall be available for public inspection.

Section 114. Public Hearings on Complaints. Beginning the second day of July of each year and as long thereafter as may be necessary the Board of Assessment Review shall hear and determine the complaint of any person in relation to the assessment roll. Complaints to the Board of Assessment Review shall be in writing and under oath, but the procedure of such board shall be informal and of a nature calculated to effect equalization and justice as simply as possible. Hearings upon complaints shall be held in the order received and as promptly after the filing thereof as possible and the determination of the Board of Assessment Review shall be made within twenty days after such filing. Such determination shall be immediately certified by the secretary of the board to the City Assessor, whose duty it shall be to make such corrections upon the assessment roll and duplicate as the board may determine. The City Assessor shall thereupon immediately certify the assessment roll and duplicate and deliver the same to the City Treasurer.

Section 115. Appeal to Courts. Appeal from the determination of the Board of Assessment Review may be taken to a court of competent jurisdiction not later than thirty days after certification to the City Assessor.

Section 116. City Treasurer's Bond. The City Treasurer shall, before the delivery to him of

the assessment roll, and at the discretion of the Commission, give a surety bond for such amount as they may fix, for the faithful performance of his duties.

Section 117. Extension of Tax for Current Year On Assessment Roll. After adoption of the current budget by the Commission in accordance with the procedure prescribed in Article VI of this charter and the determination thereby of the amount to be raised by taxation, the City Treasurer, upon receipt of the assessment roll and duplicate from the City Tax Assessor shall cause to be extended on the assessment roll and duplicate the amount of tax computed upon each assessment at the rate necessary to raise the required amount. In each case where the extension is less than One Dollar said extension shall be One Dollar.

Section 118. Preparation and Delivery of Tax Bills. As soon as the duplicate is delivered to the City Treasurer, he shall at once begin the work of preparing, completing and mailing or otherwise delivering tax bills to the owners of property assessed so far as such owners are known and shall complete such work on or before the first day of October. The validity of any tax or the time at which the same shall be payable shall not be affected by the failure of the Treasurer to mail or otherwise deliver a tax bill.

Section 119. Delinquent Installments. No amounts received for taxes shall be applied to any current year's taxes until all previous year's taxes have been paid.

Section 120. Description of Tax Bill. Each tax bill shall contain a brief description of the property, a statement of the valuation of the property against which the tax is levied, the full amount payable, and the discount available for prompt payment.

Section 121. Taxes; When Payable. All taxes shall be due and payable on the first day of November in each year, or as soon thereafter as the assessment roll may come into the hands of the City Treasurer, of which he shall give notice by publication once a day for four consecutive days in some newspaper published in Duval County, Florida, or by posting said notice in the City Hall and two other public places in said City, and taxes remaining due and unpaid on the first day of April thereafter shall be enforced as hereinafter in this charter provided, and interest at the rate of 12 per cent per annum from the first day of April shall be added thereto and collected. The same discounts shall be allowed on tax payments due the City as are allowed on tax payments due counties under the general statutes of the State of Florida.

Section 122. Constitute a Lien. Taxes and assessments together with the interest imposed for delinquencies and cost of collection shall be

and continue a lien upon the property assessed, superior to all other liens or claims, until the same shall be paid.

Section 123. May Issue Distress Warrants. The City Treasurer shall have power to issue distress warrants in the name of the State and City to enforce collection of taxes on personal property and privileges. Such warrants may be executed by the Chief of Police or any Constable or Sheriff, according to the method provided by law for the collection of State and County taxes lawfully assessed on personal property.

Section 124. Collection of Taxes. The City Treasurer shall, unless otherwise provided, proceed substantially in the same manner in the collection of taxes on personal property and privileges as is provided by State law for the collection of State and County taxes assessed on such property.

If the taxes on real estate shall not be paid before the first day of April of any year, the City Commission may require the City Clerk at any time thereafter, to make from the assessment roll a separate copy of any assessment thereon remaining unpaid, showing the assessment of any lot, parcel or tract of land as the same appears from the City assessment roll, which he shall certify to be a true and correct copy from the City assessment roll of the assessment of the lot, parcel or tract therein described, and deliver the same to the attorney-at-law selected by the City Commission for the collection, which certificate shall be prima facie evidence of the contents of the assessment roll and of the levies made thereon in all suits to enforce the payment of the lien for such taxes or assessments as may appear in the said copy. The attorney charged with the collection of any such tax may thereupon prepare and file in the office of the Clerk of the Circuit Court of Duval County, Florida, a suit in chancery in the name of the City, alleging the City's claim of lien against such real estate, and he shall name as parties defendant to said suit, the parties named as owners of such real estate on the copies from the City's assessment roll so certified to him, and such other persons as the attorney may know or have satisfactory reason to believe to be the owner of or interested in such real estate, or to have any right thereto, or lien thereon, and the City's claim and lien for taxes and assessments shall be by the said court enforced by decree and sale of the property against which a lien is found to exist, as other liens are enforced in chancery.

The taxes or assessments on any number of different tracts, pieces or parcels of land may be collected in one suit, as the attorney for the City may determine. Upon a collection of moneys due the City, payment shall be made, first, of all court costs, including the cost of abstracts, clerks', sheriff's and master's and advertising fees; second, of the amount due the City for taxes and interest, and last, reasonable

attorney's fees in connection with the collection of said tax to be fixed by the court in its decree.

Section 125. Licenses. The City Commission is authorized to levy and impose license taxes by ordinance, for the purpose of regulation and revenue upon all occupations, and upon any and all privileges, and to create and fix the amounts to be paid; to provide for the collection of the same, and to provide penalties for failure or refusal to pay such license taxes. All such license taxes, so imposed, shall constitute a legal indebtedness to the City, which may be recovered in any court of competent jurisdiction. The City Commission may, by ordinance, provide for licensing the keeping of dogs, and for the destruction of dogs, the owner and keeper whereof shall not comply with the

regulations prescribed by ordinance in effect thereto, and for the punishment of persons violating the ordinances on this subject.

Section 126. Period Covered by Licenses. Licenses shall be issued for the periods and be transferrable as provided by ordinances. The agent or agents of non-resident proprietors shall be severally responsible for carrying on business in like manner as if they were proprietors. The fact that any person, firm or corporation reporting himself or itself as engaged in any business calling, profession or occupation for the transaction of which a license is required, or that person, firm or corporation exhibiting a sign or advertisement indicating engagement in such business calling, profession or occupation, shall be conclusive evidence of the liability of such person, firm or corporation to pay a license.

ARTICLE XIV ZONING

Section 127. The City May Regulate Building, Density of Population, and the Location and Use of Buildings, Structures and Land and Water. For the purpose of promoting health, safety, morals, or the general welfare of the City, the City may regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land and water for trade industry, residence or other purposes.

Wherever the City Commission shall elect to exercise any of the powers granted to it under this article, said powers shall be exercised in the manner hereinafter prescribed.

Section 128. Division of City Into Districts for Purposes of Regulation. For any and all said purposes the City Commission may divide the corporate area of the City into districts of such number, shape, and area as may be deemed best suited to carry out the purposes of this Article; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or land. All such regulations shall be uniform for each class or kind of building throughout each district, but the regulation in one district may differ from those in other districts.

Section 129. Purposes in View in Making Regulations. Regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate

the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

Section 130. City to Provide Procedure; Regulation, Restriction or Boundary Not Effective Until After Public Hearing Thereon; Publication of Notice of Hearing Required. The City Commission of said City shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established, and enforced, and from time to time amended, supplemented, or changed. However, no such regulation, restriction or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City. Three notices shall be published in at least three conspicuous places within the City including the City Hall.

Section 131. Regulation, Restriction and Boundary Subject to Change or Repeal; Protest of Change; Vote Required to Effect Change Over Protest; Publication of Notice of Change Required. Regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, or repealed. In case, however, of a protest against such change signed by the owners of twenty per cent or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending five hundred feet

therefrom, or of those directly opposite thereto extending five hundred feet from the street frontage of such opposite lots, such amendments shall not become effective except by the favorable vote of three-fourths of the City Commission of said City. The provisions of Section 130 relative to public hearings and official notice shall apply equally to all changes or amendments.

Section 132. Zoning Commission. The City Commission shall appoint a commission, to be known as the Zoning Commission, to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. Such commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the City Commission shall not hold its public hearings or take action until it has received the final report of such commission.

Section 133. Board of Adjustment. The City Commission may provide for the appointment of a Board of Adjustment, and in the regulations and restrictions adopted pursuant to the authority of this Article may provide that the said Board of Adjustment may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance in harmony with its general purposes and intent and in accordance with general or specific rules therein contained.

Section 134. Members of Board of Adjustment. The Board of Adjustment shall consist of five members each to be appointed for a term of three years and removable for cause by the City Commission upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

Section 135. Proceedings of Board of Adjustment. The Board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this Article. Meetings of the Board shall be held at the call of the Chairman and at such times as the Board may determine. Such Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

Section 136. Appeals. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer or bureau of the City Commission affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer

from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

Section 137. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

Section 138. Hearing of Appeal; Notice Required. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

Section 139. Powers of Board of Adjustment. The Board of Adjustment shall have the following powers:

(1) To hear and decide appeals where it is alleged there is error in order, requirement, decision, or determination made by an administrative official in the enforcement of this Article or of any ordinance adopted pursuant thereto.

(2) To hear and decide special exceptions to the terms of the ordinance upon which such Board is required to pass under such ordinance.

(3) To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so justice done.

Section 140. Decision of Board. In exercising the abovementioned powers, such board may, in conformity with the provisions of this Article, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under

any such ordinance, or to effect any variation in such ordinance.

Section 141. Petition May be Presented to a Court of Record Within Thirty Days After Filing of Decision of Board Setting Forth Illegality. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, board or bureau of the City Commission, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the board.

Section 142. Writ of Certiorari. Upon the presentation of such petition the court may allow a writ of certiorari directed to the Board of Adjustment to review such decision of the Board of Adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the realtor's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

Section 143. Return of Writ. The Board of Adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

Section 144. Decisions of the Court; It may Take Evidence or Appoint a Referee. If, upon the hearing, it shall appear to the court that the testimony is necessary for the proper dis-

position of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

Section 145. Costs. Costs shall not be allowed against the Board unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.

Section 146. Enforcement of Ordinances or Regulations Under This Article; Penalties for Violation. The City Commission may provide by ordinance for the enforcement of this Article and of any ordinance and regulation made thereunder, and may provide for the punishment of any violation thereof by fine or imprisonment or both, and also may provide civil penalties for such violation.

Section 147. Legal Proceedings May be Instituted in Addition to Other Remedies Provided for Violation of Article. In case any building or structure if erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, land, or water is used in violation of this Article or if any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the City Commission, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure, land, or water, or to prevent any illegal act, conduct, business, or use in or about such premises.

ARTICLE XV

ISSUANCE OF BONDS

Section 148. General Obligation Bonds. The City of Atlantic Beach is hereby authorized to issue and sell, from time to time, bonds of said City, of such denominations, bearing such rate of interest not exceeding seven and one half per cent (7½%) per annum, becoming due at such times and upon such conditions as may be provided by ordinance, and for the payment of which bonds and interest thereon the entire taxable property in said City shall be thereby pledged; provided, that before the issuance of said bonds, the issuance of the bonds then proposed to be issued shall be provided for by ordinances, expressing in general terms the purposes for which the proceeds of such issues of bonds are to be used,

and subsequently approved by a majority of the votes cast in an election in which a majority of the freeholders who are qualified electors residing in said City shall participate. The question of the issuance of such bonds may be submitted from time to time, and said bonds for the several purposes provided for by ordinance shall be voted upon separately for each purpose.

For the payment of said bonds and the interest thereon, and to provide a sinking fund therefor, the entire taxable property of said City shall be pledged by the ordinance providing for the issuance of said bonds, and the City Commission shall levy annually such special tax on the taxable property within the corporate limits of said City as may be necessary to

pay the interest on said bonds and to provide a sinking fund for the payment of said bonds. The election herein provided for shall be held, the canvass and returns made in the manner provided by the laws of Florida for the calling and holding of elections for the approval of the issuance of bonds by counties, districts and municipalities, of the State of Florida, in compliance with Section 6, Article IX of the Constitution of the State of Florida as amended.

History: Amended by Chapter 70-578, Laws of Fla.

Section 149. Revenue Bonds and Certificates. The City of Atlantic Beach is hereby authorized to issue and sell from time to time, revenue certificates of said City of such denominations and bearing such rate of interest not exceeding seven and one half per cent (7½%) per annum, and becoming due at such times and upon such conditions as may by ordinance be determined. Such revenue certificates shall be issued for such municipal purposes as may be provided by ordinance. Said ordinance shall state the purpose for which the proceeds of each of such issues of revenue certificates are to be used, and shall provide that only the revenue of the particular utility or facility of said City to be constructed or improved shall be pledged for payment of said revenue certificates.

History: Amended by Chapter 70-578, Laws of Fla.

Section 150. Combination General Obligation and Revenue Bonds. The City of Atlantic Beach is hereby authorized to issue and sell, from time

to time, bonds of such denominations, bearing such rate of interest not exceeding seven and one half per cent (7½%) per annum, becoming due at such times and upon such conditions as may by ordinance be determined, which bonds shall be used for such municipal purposes as may be provided by ordinance, and for the payment of which bonds and the interest thereon the entire taxable property in said City may thereby be pledged and in addition, the revenue of the particular utility or facility of said City to be constructed or improved may be pledged for the payment of said bonds. Provided, however, that before the issuance of said bonds the issuance of the bonds then proposed to be issued shall be provided for by ordinance expressing in general terms the purposes for which the proceeds of such issues of bonds are to be used and subsequently approved in an election held and in the manner, and in conformity with, and meeting the requirements of each section hereof.

For the payment of said bonds, issued pursuant to and under this section, and interest thereon, and to provide a sinking fund therefor, the City Commission shall levy annually such special tax on the taxable property within the corporate limits of said City, which together with said revenues available for that purpose, shall be sufficient to pay the interest on said bonds and to provide a sinking fund for the payment of said bonds.

History: Amended by Chapter 70-578, Laws of Fla.

ARTICLE XVI

MUNICIPAL COURT AND DEPARTMENT OF LAW

Section 151. Municipal Court. There shall be a municipal court, presided over by the municipal judge who shall be appointed by and serve at the pleasure of the City Commission. The municipal court shall be known as the Municipal Court of the City of Atlantic Beach, Florida.

Section 152. Sickness, Absence or Disqualification of Municipal Judge. In the event of the absence, sickness, disqualification or other inability of the municipal judge to serve, the Mayor-Commissioner or some other person designated by the City Commission, shall have all the power and perform all the duties of said municipal judge during such sickness, absence, disqualification or other inability.

Section 153. Powers. The municipal judge shall have the power:

(1) By his warrant to have brought before him any person or persons charged with violation of the City ordinances, and shall have exclusive original jurisdiction over all proceedings of a criminal nature for the violation of any ordinance of the City;

(2) Within the jurisdiction herein conferred, to issue and cause to be served any and all writs and processes such as are issued and used by justices of the peace in the State of Florida;

(3) To fix bail for the appearance of an accused person;

(4) To declare estreated bond or security given in bail for such persons as fail to appear in answer to accusations against them;

(5) To require the attendance of witnesses for both the City and the accused.

(6) To administer oaths and take affidavits.

(7) To inquire into the truth or falsity of all charges preferred and to decide as to the guilt or innocence of the accused;

(8) To fix and impose penalties by sentence as are prescribed by ordinances of the City;

(9) To preserve order and decorum in his court, and to that end the municipal judge is hereby invested with the same powers of fine and imprisonment as are possessed and authorized to be exercised by judges of criminal courts of record within the State of Florida.

Section 154. Disposition of Moneys Collected as Fines. All fines, penalties and fees collected in the municipal court and by the police of the City shall be part of the revenue of the City, and shall be paid forthwith to the City Treasurer.

Section 155. Remission of Fines and Penalties. No fine or other penalty imposed by the municipal court shall be remitted except by ac-

tion of the City Commission upon recommendation of the municipal judge; provided however, that this section shall not be construed as precluding the municipal judge from suspending sentences imposed by such court.

Section 156. City Prosecutor; Power and Duties. There may be a City Prosecutor who, if appointed, shall prosecute all offenses against the City's ordinances, and shall, if required by law, represent the City in all appeals from convictions in the municipal court.

He shall, in addition:

(1) Prepare charges after examination into the facts and circumstances of each case.

(2) Have summoned all witnesses required on behalf of the City, and be allowed the process of this court to summon witnesses to testify before him as to any violation of the criminal law upon which they may be interrogated, and be empowered to administer oaths to all witnesses summoned to testify by the process of the municipal court;

(3) Once each quarter, report to the City Commission fully and completely all cases which have come before the court, in such report showing the title of each case, the date when commenced, the offense charged, and the disposition made;

(4) Attend each session of the municipal court.

The City Prosecutor shall be appointed by the City Commission to serve at its pleasure. He may also be the City Attorney or Assistant City Attorney, if the City Commission so elects.

Section 157. Executive Officer of the Court. The head of the Police Department shall designate the executive officer of the municipal court. Members of the police force shall execute and serve any and all writs and processes issued

out of the municipal court by the Municipal Judge and shall make proper returns thereon in the same manner as is required of constables and sheriffs in the execution of similar papers.

Section 158. City Attorney; Appointment and Qualifications. The City Commission shall appoint a City Attorney who shall act as the legal adviser to, and attorney and counselor for, the municipality and all of its officers in matters relating to their official duties. He shall prepare all contracts, bonds, and other instruments in writing in which the municipality is concerned, and shall endorse on each his approval of the form and correctness thereof, but failure to do so shall not affect its validity. When required to do so by resolution of the City Commission, he shall prosecute and defend for and in behalf of the City, all civil complaints, suits and controversies in which the City is a party. He shall furnish the City Commission, the City Manager, the head of any department, or any officer, board, commission or agency not included in any department, his opinion on any question of law relating to their respective powers and duties. In addition to the duties specifically imposed under the preceding section, he shall perform each other professional duties as may be required of him by ordinance or resolution of the City Commission, or as are prescribed for City Attorneys under the general law of the state, which are not inconsistent with this charter and with any ordinance or resolution, which may be passed by the City Commission. The City Attorney shall be a lawyer of at least five years' experience, admitted in and having authority to practice in all courts of the state.

Section 159. Salaries of Court Officials and City Attorney. The salaries of Municipal Judge, City Prosecutor and City Attorney shall be fixed by the City Commission.

ARTICLE XVII

SUITS AGAINST THE CITY

Section 160. Suits. No suit shall be maintained against the City for damages arising out of its failure to keep in proper condition any sidewalk, pavement, viaduct, bridge, street, waterworks, or other utility owned or operated by the City, or any public place; neither shall any suit be maintained against the City arising out of any other tortious action, or action sounding in tort, unless it shall be made to appear that the damage alleged was attributable to the gross negligence of the City, and that written notice of such damage was, within thirty days of the receiving of the injury, given to the City Manager with such reasonable specifications as to time and place and witnesses as would enable the City officials to investigate the matter, and no verdict shall in any suit be given for amount exceeding compensation damages to the

plaintiff directly attributable to such negligence on the part of the City, and not caused by contributory negligence on the part of the plaintiff.

It shall be the duty of the City Manager, upon receiving any such notice, to at once investigate the matter, and lay the facts, supported by the evidence, before the City Commission in a written report, and the City Commission shall have the right, and, upon the written request of the person injured, it shall be the duty of the City Commission to investigate the matter, and it may, by ordinance, make such reasonable settlement of any such damages as may be agreed upon between the City Commission and the person so damaged.

ARTICLE XVIII

GENERAL AND MISCELLANEOUS PROVISIONS

Section 161. Removal of Officers and Employees. Any officer or employee to whom the City Manager, or a head of any office, department or agency, may appoint a successor, may be removed by the City Manager or other appointing officer at any time. Subject to any other provisions of this charter as to persons in the service of the City the decision of the Manager or other appointing authority shall be final.

Section 162. Removal of Members of Boards, Commissions, or Agencies. Except as provided in this charter, a member of any board, commission or agency of the City who has been appointed by the City Commission, may be removed by the City Commission in the same manner as provided for the removal of the City Manager in Section 11 of this charter.

Section 163. Right of City Manager and Other Officers in Commission. The City Manager, and such other officers of the City as may be designated by vote of the City Commission, shall be entitled to seats in the City Commission, but shall have no vote, therein. The City Manager shall have the right to take part in the discussion of all matters coming before the City Commission, and the other officers shall be entitled to take part in all discussions of the City Commission relating to their respective offices, departments, boards, commissions, or agencies.

Section 164. Investigations. The City Commission, or any committee thereof, the City Manager, or any advisory board appointed by the City Commission for such purpose, shall have power at any time to cause the affairs of any department or the conduct of any officer or employee under their jurisdiction to be investigated; and for such purpose shall have power to compel the attendance of witnesses and the production of books, papers, and other evidence; and for that purpose may issue subpoenas or attachments which shall be signed by the president or chairman of the body, or by the officer making the investigation, and shall be served by an officer authorized to serve such process. The authority making such investigation shall have power to cause the testimony to be given under oath, such oath to be administered by some officer having authority under the law of the state to administer oaths. Failure to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a misdemeanor and shall be punishable by a fine not to exceed \$500.00 or by imprisonment not to exceed 60 days, or both.

Section 165. Publicity of Records. All records and accounts of every office, department or agency of the City shall be open to inspection by any citizen, any representative of a citizens' organization or any representative of the press

at all reasonable times and under reasonable regulations established by the City Commission.

Section 166. Personal Interest. No member of the City Commission or any officer of the City shall have a financial interest, direct or indirect, in any contract or in the sale to the City or to a contractor supplying the City of any land or rights or interests in any land, material, supplies or services. Any wilful violation of this section shall constitute malfeasance in office, and any officer of the City found guilty thereof shall thereby forfeit his office or position. Any violation of this section with the knowledge express or implied of the person or corporation contracting with the City shall render the contract voidable by the City Manager or the City Commission.

Section 167. Official Bonds. The City Commission shall determine whether or not each officer, clerk, or employee shall give bond, and the amount thereof, but all officers, clerks and employees handling any funds or property of the City shall be required to give bond to the City, which bonds shall be procured from a regularly accredited surety company, authorized to do business under the laws of Florida, the premiums on such bonds to be paid by the City. All such bonds shall be filed in the office of the City Clerk.

Section 168. Oath of Office. Every officer of the City shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the City Clerk:

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Florida, that I will, in all respects, observe the provisions of the charter and ordinances of the City of Atlantic Beach, and will faithfully discharge the duties of the office of.....".

Section 169. Effect of This Charter on Existing Law. All laws and parts of laws relating to or affecting the City in force when this charter shall take effect are hereby repealed and superseded to the extent that the same are inconsistent with the provisions of this charter; insofar as the provisions of this charter are the same in terms or in substance and effect as provisions of law in force when this charter shall take effect, relating to or affecting the City, the provisions of this charter are intended to be not a new enactment but a continuation of such provision of law, and this charter shall be so construed and applied.

Section 170. Publishing. As used in this charter "publishing" shall mean printing in any newspaper published and of general circulation in the County of Duval.

Section 171. Rights of Officers and Employees Preserved. Nothing in this charter contained, except as specifically provided, shall affect or impair the rights or privileges of officers or employees of the Town of Atlantic Beach or of any office, department, board, commission, or agency existing at the time when this charter shall take effect, or any provision of the law in force at the time when this charter shall take effect and not inconsistent with the provisions of this charter, in relation to the personnel, appointment, ranks, grades, tenure of office, promotion, removal, pension and retirement rights, civil rights, or any other rights or privileges of officers or employees of said Town or any office, department, board, commission, or agency thereof.

Section 172. Continuance of Present Officers. All persons holding administrative office at the time this charter takes effect shall continue in office and in the performance of their duties until provisions shall have been made in accordance herewith for the performance of such duties or the discontinuance of such office. The powers conferred and the duties imposed upon any office, department, board, commission or agency of the Town of Atlantic Beach by the laws of the state shall, if such office, department, board, commission, or agency, be abolished by this charter, or under its authority, be thereafter exercised and discharged by the office, department, board, commission, or agency designated by the City Commission unless otherwise provided herein.

Section 173. Transfer of Records and Property. All records, property and equipment whatsoever of any office, department, board, commission, or agency, all the powers and duties of which are assigned to any other office, department, board, commission, or agency by this charter, shall be transferred and delivered to the office, department, board, commission, or agency to which such powers and duties are so assigned. If part of the powers and duties of any office, department, board, commission, or agency are by this charter assigned to another office, department, board, commission, or agency, all records, property and equipment relating exclusively thereto shall be transferred and delivered to the office, department, board, commission, or agency to which such powers and duties are so assigned.

Section 174. Title to Property Reserved to New Municipality. The title, rights, and ownership of property, uncollected taxes, dues, claims, judgments, decrees and choses in action, held or owned by the Town of Atlantic Beach shall pass to, and be vested in the municipal corporation organized under this charter.

Section 175. Continuity of Offices, Boards, Commissions or Agencies. Any office, department, board, commission, or agency provided for in this charter with powers and duties the

same or substantially the same as those of an office, department, board, commission, or agency heretofore existing shall be deemed to be a continuation of such office, department, board, commission or agency and shall exercise its powers and duties in continuation of their exercise by the office, department, board, commission, or agency by which the same were heretofore exercised, and shall have power to continue any business, proceeding or other matter, within the scope of its regular powers and duties commenced by an office, department, board, commission, or agency by which such powers and duties were heretofore exercised. Any provision in any law, rule, regulation, contract, grant or other document relating to such a formerly existing office, department, board, commission, or agency, shall, so far as not inconsistent with the provisions of this charter, apply to such office, department, board, commission or agency provided for by this charter.

Section 176. Continuance of Contracts and Public Improvements. All contracts entered into by the Town of Atlantic Beach, or for its benefit, prior to the taking effect of this charter, shall continue in full force and effect. Public improvements, for which legislative steps have been taken under laws or charter provisions existing at the time this charter takes effect, may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws and charter provisions.

Section 177. Pending Actions and Proceedings. No action or proceeding, civil or criminal, pending at the time when this charter shall take effect, brought by or against the Town of Atlantic Beach, or any office, department, board, commission, or agency or officer thereof, shall be affected or abated by the adoption of this charter or by anything therein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any office, department, board, commission or officer party thereto may by or under this charter be assigned or transferred to another office, department, board, commission, or agency or officer, but in that event the same may be prosecuted or defended by the head of the office, department, board, commission, or agency to which such functions, powers and duties have been assigned or transferred by or under this charter.

Section 178. Existing Ordinances. All existing ordinances of the present municipality of the Town of Atlantic Beach, not in conflict with the provisions of this Act, shall continue in effect and unimpaired until repealed, amended or modified by the City Commission which is created by this Act.

Section 179. Short Title. This charter shall be known and may be cited as the "Atlantic Beach Charter".

Section 180. Separability Clause. If any section or part of section of this charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

Section 181. Charter Election. The foregoing charter shall be submitted to the qualified electors of the Town of Atlantic Beach for adoption, or rejection, at an election hereby called for that purpose, to be held on the 23rd day of July, 1957, which said election shall be conducted in accordance with the laws governing elections in said Town of Atlantic Beach as at present provided. The ballot used in said election shall be a sheet of plain white paper upon which the following shall be printed:

OFFICIAL BALLOT

Special Election: (date): For the adoption or

rejection of a proposed charter for the City of Atlantic Beach, Florida, pursuant to the provisions of Chapter . . . of the Laws of Florida, Special Acts of 1957.

INSTRUCTIONS TO VOTERS

The voters desiring to vote in favor of adopting the proposed charter shall put a cross mark (X) in the box before the words, "FOR adoption of proposed charter of the City of Atlantic Beach, Florida," and the voter desiring to vote against adopting the proposed charter shall put a cross mark (X) in the box before the words, "AGAINST adoption of proposed charter of the City of Atlantic Beach, Florida". All distinguishing marks are forbidden and make the ballot void. If you wrongfully mark, tear or deface this ballot, return it to the inspector of the election and obtain another.

FOR adoption of proposed charter of the City of Atlantic Beach, Florida

AGAINST adoption of proposed charter of the City of Atlantic Beach, Florida

ARTICLE XIX

WHEN ACT TAKES EFFECT

Section 182. Effective Date of Act. This Act shall go into effect subject to the referendum election provided for in Section 181 hereof, upon its passage and approval by the Governor, or upon its becoming law without such approval, for the purpose of nominating and electing the first members of the City Commission, at an election as provided herein. For all other purposes this charter shall be in effect from and after the election and qualification of the members of the City Commission thereunder.

In the event a majority of the electors voting at said election provided for in Section 181 hereof, vote against the adoption of this charter, then this Act shall be null and void.

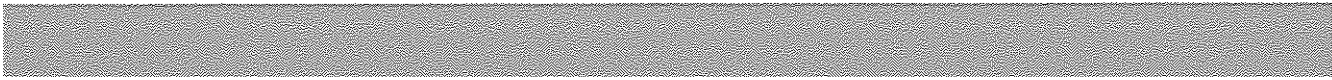
Section 183. All laws and parts of laws in conflict with this Act are hereby repealed.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 29, 1957.



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FOR
ATLANTIC BEACH



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CHARTER
NEPTUNE BEACH
FLORIDA

Fourth Urban Services District
Chapter 29308, Laws of Florida, 1953

Section 1. Incorporation and Corporate Powers. The inhabitants of the City of Neptune Beach, within the boundaries hereinafter set forth or as hereafter established in the manner provided by law, shall be and continue to be a body politic and corporate under the name of the "City of Neptune Beach", and under that name shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage and control such property as its interest may require; and, except as prohibited by the Constitution of Florida or restricted by this Charter, the City of Neptune Beach shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every kind, name and nature whatsoever.

Section 2. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the City of Neptune Beach shall have, and may exercise, all powers which are granted by the general laws of the State of Florida relating to cities and towns and all powers which, under the Constitution of Florida, it would be competent for this Charter specifically to enumerate. All powers of the City, whether expressed or implied, shall be exercised in the manner prescribed by this Charter, or, if not prescribed therein, then in the manner provided by ordinance or resolution of the Council.

Section 3. Boundaries. The territorial boundaries of the City of Neptune Beach shall be as follows:

Bounded on the North by Atlantic Boulevard, on the East by the Atlantic Ocean, on the South by the City of Jacksonville Beach and on the West by the East Coast Canal.

Section 4. City Council. Except as otherwise provided in this Charter all powers of the City shall be vested in a council composed of a Mayor and six (6) members, who shall be qualified electors of said City. The Mayor and City Council shall be nominated and elected from the City at large in the manner hereinafter provided. The Mayor and Councilmen must possess all the qualifications of an elector and must reside in the City of Neptune Beach. The term of the Mayor and members of the Council shall be for two years next following their elec-

tion, or until their successors are elected and qualified. The Mayor and each member of the council shall serve without compensation. The Mayor or any member of the Council ceasing to possess any of the qualifications specified in this Charter, or convicted of crime while in office, shall immediately forfeit his office.

Section 5. Mayor—Duties and Powers. The Mayor shall have all the powers and functions of a Councilman of the City of Neptune Beach, and shall also have the powers and perform the duties conferred and imposed upon him by this Charter and the ordinances of said City.

Section 6. Mayor Pro Tem. At its first meeting following a regular municipal election the council shall choose from its membership a Vice-Chairman who shall have the title of Mayor Pro Tem. If a vacancy occurs in the office of the Mayor, or in case of his absence or disability, the Mayor Pro Tem shall act as Mayor for the unexpired term, or during the continuance of the absence or disability. Whenever the Mayor Pro Tem succeeds to the office of Mayor for the remaining portion of any unexpired term, it shall create a vacancy in the Council, which vacancy shall be filled in accordance with the provisions of this Charter.

Section 7. Meetings of Council. At 8 o'clock P.M. on the first day following each regular municipal election the council shall meet at the City Hall in the City of Neptune Beach and the Mayor and newly elected members shall assume the duties of office. Thereafter the council shall meet at such times as may be prescribed by ordinance, or resolution, but not less frequently than once each month at regularly specified times. Special meetings shall be called by the Clerk upon the written request of the Mayor, or a majority of the members of the Council. At least two days previous written notice of all special meetings shall be given to each Councilman, but such notice may be waived by any councilman as to himself by voluntarily appearing at such meeting. Service of such notice shall be made either in person or by leaving a copy thereof at the usual place of abode of the councilman being served. Any such notice shall state the subject to be considered at the special meeting and no other subject shall be there considered. All meetings of the council and of committees thereof shall be open to the public, and the rules of the council shall provide that citizens of the city shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered thereat; but the council may authorize an executive meet-

ing for purposes of deliberation, provided that no official action may be taken at such executive session.

Section 8. Council Rules. The Council shall be the judge of the election and qualification of its members, and shall have power to subpoena witnesses and compel the production of all pertinent books, records, and papers; but the decision of the council in any such case shall be subject to review by the courts. The Council shall determine its own rules and order of business and require the City Clerk to make up and keep a journal of its proceedings.

Section 9. Quorum. A majority of the members of the Council shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of all members of the Council shall be necessary to adopt any ordinance, resolution, order or vote; except that a vote to adjourn may be adopted by a majority of the members present.

History: Amended by Ch. 61-2533, Laws of Fla.

Section 10. Introduction and Passage of Ordinances and Resolutions. Ordinances and resolutions shall be introduced in the Council only in written printed form. All ordinances, except ordinances making appropriations and ordinances or enacting a code of ordinances, shall be confined to one subject, and the subject, or subjects of all ordinances shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject of appropriations. No ordinance shall be passed until it has been read on three separate days, unless the requirements for reading it on three separate days be dispensed with by vote of five members of the Council. The final reading of each ordinance shall be in full unless a written or printed copy thereof shall have been furnished to each member of the Council prior to such reading. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the Council. The enacting clause of all ordinances shall be "Be it ordained by the City of Neptune Beach".

Section 11. When Ordinances and Resolutions Take Effect—Emergency Measures. Ordinances making the annual tax levy, appropriation ordinances, ordinances and resolutions pertaining to local improvements and assessments, ordinances and resolutions providing for or directing any investigation of city affairs, resolutions requesting information for administrative officers or directing administrative action and emergency measures shall take effect at the time indicated therein. Except as otherwise prescribed in this charter, all other ordinances and resolutions passed by the Council shall take effect at the time indicated therein, but not

less than thirty days from the date of their passage. An emergency measure is an ordinance or resolution to provide for the immediate preservation of the public peace, property, health or safety, in which the emergency claimed is set forth and defined in a preamble thereto. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency measure. No situation shall be declared an emergency by the Council except as defined in this section, and it is the intention of the Charter that such definition shall be strictly construed by the courts.

Section 12. Publication of Ordinances, and Resolutions. Upon its final passage each ordinance or resolution shall be placed in a book kept for that purpose. Within ten days after final passage each ordinance and resolution shall be published at least once in such manner as the Council may prescribe by ordinance. Posting a copy at the front door of the City Hall and one other conspicuous place in the City for a period of one day shall be sufficient publication of any ordinance unless a different requirement is therein provided for.

Section 13. City Clerk—Compensation. There shall be one office of City Clerk, and the City Clerk shall be ex-officio the Tax Assessor and the Tax Collector. He shall receive such compensation as the City Council may prescribe by ordinance or resolution.

History: Amended by Ch. 59-1605, Laws of Fla.

Section 14. Duties of Clerk. It shall be the duty of the City Clerk to keep proper books and records of all the business and accounts of the City; and the City Council shall prescribe the form of such books and accounts, and require the City Clerk to audit and balance the accounts thereof; ~~the City Clerk shall be the~~ Clerk of the City Council, and attend all its meetings and proceedings, record and keep the minutes and records and perform the functions and duties required of him, as may now or hereafter be prescribed by law or ordinance. The City Clerk shall issue all warrants for offenses against the City ordinances and he shall be the custodian of the seal of the City. He shall serve as Clerk of the Municipal Court. The City Clerk shall have such other powers and perform such other duties as may be conferred or imposed upon him by this Charter or the ordinances of the City.

Section 15. Custody of City Money, Etc. The City Clerk shall collect, receive, have custody of, and disburse all taxes, licenses, fees and other moneys belonging to the City Government, subject to the provisions of this Charter and ordinances enacted thereunder; all money received by any department or agency of the City for or in connection with the business of the City Government shall be promptly delivered over to the City Clerk and placed into the City Treasury and be deposited with respon-

sible institutions to be designated by the City Clerk, with the approval of the Council, in accordance with such regulations and subject to such requirements as to security for deposits and interests thereon as may be established by ordinance. All interest on moneys belonging to the City shall accrue to the benefit of the City Government. The City Clerk shall have custody of all sinking funds, investments and invested funds of the City, or in possession of the City in a fiduciary capacity, and keep a record of such investments and have custody of all bonds and certificates of City indebtedness, including such bonds and certificates unissued or cancelled, and the receipt and delivery of City bonds and certificates for transfer, registration or exchange. He shall have authority and shall be required to maintain accounting control over the finances of the City Government; to examine and approve all contracts, orders, and other documents by which the City incurs financial obligations having ascertained before approval, that moneys have been duly appropriated and allotted to meet such obligations and will become available when the obligations have become due and payable; to audit and approve all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the City Government and to determine the regularity, legality, and correctness of such claims, demands, or charges; to make monthly reports of all receipts and expenditures of the City Government to the Manager, if appointed, and the Council and to make monthly reports on funds, appropriations, allotments, encumbrances, and authorized payments, to the Manager, if appointed, and the Council; and to perform other duties as the Council may require by ordinance.

Section 16. Assistant City Clerk. When deemed necessary the City Clerk shall appoint one or more assistant City Clerks; the appointment and salary shall be approved by the City Council; such assistants shall be removable by the City Council; when appointed and qualified the Assistant City Clerk shall have the power to exercise the duties of City Clerk and shall be under the immediate supervision of the City Clerk and perform such services as may be required by the City Clerk or as may be prescribed by ordinance; the death, disability or suspension or removal of the City Clerk, shall not affect the power and authority of assistant City Clerks to perform any and all duties and exercise all power provided by the Charter and ordinances to be done and performed by the City Clerk.

Section 17. Municipal Elections. The regular election for the choice of all municipal officers to be elected by the electors of the City shall be held on the second Tuesday in October, A. D. 1953, and biennially thereafter on the same day. The Council may by resolution order a special election, fix the time for holding same and provide all means for holding same. The polls shall open at seven o'clock A.M. and re-

main open until seven o'clock P.M. of the same day.

Section 18. Regulation of Elections. The Council shall make all needful rules and regulations, not inconsistent with this Charter, for the conduct of elections, for the prevention of frauds in elections, and for the recount of the ballots in case of doubt or fraud, and shall canvass the returns and declare the result thereof. Except as herein otherwise provided the municipal elections shall be conducted as nearly as practicable in conformity with the general laws governing State elections.

Section 19. Use of Voting Machines. It shall be permissible for the City Council to adopt and place in use at any municipal election the method known as the mechanical balloting or voting machine in such manner as is now, or may hereafter be, authorized by the general laws of the State.

Section 20. Officers to be Elected. (a) The officers to be elected at every regular biennial election shall be a Mayor and six (6) Councilmen. The Mayor and Councilmen shall be elected from the City at large and the persons receiving the highest number of votes for the offices of Mayor and Councilmen, respectively, shall be declared elected to such respective offices.

(b) In case two or more persons shall receive an equal and the highest number of votes for the same office, another election therefor shall be held upon the order of the Council.

Section 21. Nominations. Any qualified elector of the City may be nominated to be a candidate for an elective office to be filled from the City at large by petition of any ten electors of the City. Nominating petitions shall be filed with the City Clerk not earlier than sixty days nor later than thirty days before the election and shall be in the following form:

"We, the undersigned, ten electors of the City of Neptune Beach, hereby nominate _____ for the office of _____ to be voted for at the election to be held on the _____ day of October, A. D. 19____, and we individually certify that we are qualified to vote for candidates for that office at such election.

Name _____
(designate nine other lines)"

ACCEPTANCE OF NOMINATION

"I HEREBY ACCEPT the nomination for the office of _____ and agree to serve if elected.

Signature of Candidate"

"I HEREBY CERTIFY that the above petition was filed with me on the _____ day of _____, 19____.

City Clerk"

Any candidate may withdraw his nomination not later than the last day for filing nomination papers by filing a notice of withdrawal with the City Clerk.

Section 22. Qualifications of Electors. All persons who possess the qualifications requisite to an elector at a general State Election, and shall have resided in the City for six (6) months next preceding the election or any freeholder who has resided in the City for a period of at least sixty days during the calendar year of any election shall be deemed qualified electors of said City, provided they shall register in the municipal registration in the manner prescribed.

Section 23. Registration. The City Council shall by vote of a majority of all of its members, appoint a Registration Officer, and such assistants as may be necessary, not more than sixty nor less than thirty days prior to any election to conduct the registration of electors for regular biennial elections. They shall be qualified electors of the City but shall not be an officer or employee of the City and shall be paid such compensation as may be fixed by the Council at the time of their appointment. They shall have the power and authority to register all qualified electors of said City, make such inquiries of persons desiring to register touching their qualifications as electors as are pertinent to a determination thereof and administer the oath necessary therefor. Their term of office shall begin with the opening and closing of the registration books. The registration list or books shall be opened for the registration of electors in said City, thirty days prior to the day of election and shall close five days prior thereto. Immediately upon the closing of the registration list or books, the same shall be delivered by the registration officer over to the City Clerk who shall act as custodian thereof except when in use by the election officials.

Within five days after the closing thereof the City Council shall investigate such registration lists or books for the purpose of making such corrections therein as may be lawfully authorized and if the names of any persons registered therein are stricken therefrom the same shall be placed upon a list and copies thereof posted at the City Hall and two other conspicuous places in the City.

The City Council may, by ordinance, adopt a method of permanent registration of electors, which plan may also provide for the registration by mail of persons, who are otherwise fully qualified, serving on extended active duty in the military or naval services of the United States of America.

History: Amended by Chapters 61-2533 and 63-1672, Laws of Fla.

Section 24. Ballots. The City Council shall have the official ballots prepared and printed in substantial conformity with the general laws of the State applicable to general elections and shall have printed thereon the names of all can-

didates from whom nominating petitions have been filed as herein provided, and no others, but at the bottom of the printed names of candidates for each office there shall be left blank spaces in a number equivalent to the number of candidates that may be elected to such respective offices.

Section 25. Clerk and Inspectors of Election. At least ten (10) days prior to the election the City Council shall appoint a sufficient number of Clerks and Inspectors of election as may be deemed necessary to conduct the election, and at said time fix the compensation to be paid them, and the number and location of polling places. Such clerks and inspectors shall be qualified electors of the City, but shall not be officers or employees of the City.

Section 26. Vacancies. Should any vacancy occur in the Council other than by the recall provisions of the City Charter, the City Council shall elect a person to fill the vacant office until the next general election.

Section 27. Oath of Office. Every office of the City shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the City Clerk.

"I, _____, solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Florida; That I will, in all respects, observe the provisions of the Charter and ordinances of the City of Neptune Beach, and will faithfully discharge the duties of the office of _____."

The Mayor's oath shall be administered by the City Clerk and the oaths of all other officers shall be administered by the Mayor.

Section 28. Recall Provisions. Any elective officer of the City may be removed from office by recall. Any elector of the city qualified to vote for recall of an elective officer, may make and file with the City Clerk an affidavit containing the name of the elective officer whose removal is sought and a statement of the grounds for removal. The Clerk shall thereupon deliver to the elector making such affidavit copies of petition blanks demanding such removal, printed forms of which he shall keep on hand. Such blanks shall be issued by the Clerk with his signature and official seal thereto attached; they shall be dated and addressed to the Council and shall contain the name of the person to whom issued, the number of blanks so issued, and the name of the officer whose removal is sought. A copy of the petition shall be entered in a record book to be kept in the office of the Clerk. The recall petition shall be entered in a record book to be kept in the office of the Clerk. The recall petition to be effective must be returned and filed with the Clerk within thirty days after the filing of the affidavit. To be effective the petition must also bear the signature of electors of the City qualified to vote for recall of

such officer to the number of at least twenty per cent of the number of electors who cast their votes for such officer at the last preceding regular municipal election. Only electors qualified to vote for candidates to fill an office shall be entitled to vote for recall of a candidate holding such office.

Section 29. Recall Election Ordered. If a recall petition, or amended petition as defined in Section 37 shall be certified by the City Clerk to be sufficient he shall at once submit it to the Council with his certificate to that effect and notify the officer whose removal is sought of such action. If the officer whose removal is sought does not resign within five days after such notice, the Council shall thereupon fix a day for holding a recall election. Any such election shall be held not less than forty-five nor more than sixty days after the petition has been presented to the Council, and at the same time as any other special or general election held within such period; but if no such election is to be held within such period the Council shall call a special election to be held within the time aforesaid.

Section 30. Candidates to Succeed Official Recalled. Candidates to succeed any official whose removal is sought shall be placed in nomination by petition in the manner provided for nominating petitions for a regular municipal election, except that each petition paper shall specify that the candidate named therein is a candidate to succeed a particular official.

Section 31. Ballots in Recall Elections. Ballots used at recall elections shall conform to the following requirements: With respect to the officer whose removal is sought the question to be submitted shall be, "Shall (name of person) BE REMOVED FROM OFFICE OF _____ BY RECALL." Immediately below such question there shall be printed on the ballots the two following propositions, one above the other, in the order here indicated:

"Against the recall of (name of Person)"
"For the recall of (name of Person)"

Immediately at the left of each proposition there shall be a square in which the elector by making a cross mark (X) may vote for either of such propositions. Under the second proposition shall appear the words, "CANDIDATES TO SUCCEED (Name of Person) IF RECALLED" and beneath such words directions to voters suitable for a regular election of officials. The name of the official whose removal is sought shall not appear on the ballot as a candidate to succeed himself.

Section 32. Result of Recall Election. If a majority of the votes cast on the question of recalling an official shall be against his recall he shall continue in office for the remainder of his unexpired term, but subject to recall as before. If a majority of such votes be for the recall of the officer indicated on the ballots he

shall, regardless of any defect in the recall petition, be deemed removed from office. When an official is removed from office by recall the candidate to succeed such officer, declared elected after counting votes in the manner provided for a regular election, shall succeed for the unexpired term of the officer so removed.

Section 33. Election When Member Resigns. If an officer in respect to whom a sufficient recall petition is submitted to the Council shall resign within five days after notice thereof, the election shall be held as hereinbefore provided, except that all propositions in regard to the recall shall be omitted from the ballot and above the names of the candidates and before the directions to the voters shall appear the words "CANDIDATES TO SUCCEED (name of person) RESIGNED".

Section 34. Limitations on Recall Petitions. No recall petitions shall be filed against an officer within three months after he takes office nor, in respect to an officer subjected to a recall election and not removed thereby, until at least six months after such election.

Section 35. Signatures to Petitions. The signatures to recall petitions need not all be appended to one paper, but to each separate petition there shall be attached an affidavit of the circulator thereof as provided by this section. Each signer of any such petition paper shall sign his name in ink or indelible pencil and shall indicate after his name, his place of residence by street or number, or other description sufficient to identify the place. There shall appear on each petition the names and addresses of five electors of the City, and on each paper the names and addresses of the same five electors, who, as a committee of the petitioners, shall be regarded as responsible for the circulation and filing of the petition. The affidavit attached to each petition shall be as follows:

STATE OF _____)
COUNTY OF _____) SS

_____, being duly sworn, deposes and says that he, and he only, personally circulated the foregoing paper, that all signatures appended thereto were made in his presence, and that he believes them to be the genuine signatures of the persons whose names they purport to be.

Signed _____
(Signature of Circulator)

Sworn to and subscribed
before me this _____ day
of _____ 19____

Notary Public (or other
officer authorized to ad-
minister oaths)

The foregoing shall be strictly construed and any affiant convicted of swearing falsely as regards any particular thereof shall be punishable in accordance with existing law.

Section 36. Filing, Examination and Certification of Petitions. All petition papers comprising a recall petition shall be assembled and filed with the City Clerk as one instrument. Within ten days after a petition is filed the City Clerk shall determine whether each paper of the petition is properly attested and whether the petition is signed by a sufficient number of electors. The City Clerk shall declare any petition paper entirely invalid which is not attested by the circulator thereof as required by Section 35 of this Charter. Upon completing his examination of the petition the City Clerk shall certify the results of his examination to the Council. If he shall certify that the petition is insufficient he shall set forth in his certificate the particulars in which it is defective and shall at once notify the committee of the petitioners of his findings.

Section 37. Amendment of Petitions. A recall petition may be amended at any time within ten days after the making of a certificate of insufficiency by the City Clerk, by filing a supplementary petition upon additional papers signed and filed as provided in case of an original petition. The City Clerk shall, within five days after such an amendment is filed, make examination of the amended petition and, if his certificate shall show the petition still to be insufficient, he shall file it in his office and notify the committee of the petitioners of his findings and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

Section 38. City Manager: Qualifications, Appointment, Term of Office. The Council may appoint an officer whose title shall be City Manager and who shall be the chief administrative office for the execution of the executive and administrative functions of the Council under the direction and supervision of the Council. The City Manager shall be chosen by the Council solely on the basis of his executive and administrative qualifications with special reference to his actual experience, in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter outlined, without regard to his political belief, and he need not be a resident of the City or State at the time of his appointment but during his tenure of office he shall reside within the City. No person elected to membership on the Council shall subsequent to such election, be eligible for appointment as City Manager until one year has elapsed following the expiration of the term for which he was elected. The City Manager shall not be a member of the Civil Service of the City of Neptune Beach and Chapter 27765, Laws of Florida, 1951, shall in nowise be construed to include such City Manager.

History: Amended by Ch. 61-2533, Laws of Fla.

Section 39. Term of Appointment, Procedure For Removal. The City Manager, if appointed, shall receive as salary for his services such sum as may be fixed by resolution, and shall be

appointed by affirmative vote of a majority of all members of the Council for an indefinite term, but may be removed by like vote of said Council. At least thirty days before such removal may become effective the Manager shall be furnished with a formal statement in the form of a resolution passed by a majority of the members of the Council, stating the Council's intention to remove him and the reasons therefor. The Manager may reply in writing to such resolution. If so requested by the Manager, the Council shall fix a time for a public hearing upon the question of his removal and the final resolution removing the Manager shall not be adopted until such public hearing has been had. Upon passage of a resolution stating the Council's intention to remove the Manager, the Council may suspend him from duty, but his pay shall continue until his removal shall become effective as herein described. The action of the Council in removing the Manager shall be final. In case of the absence or disability of the Manager the Council may designate a qualified administrative officer of the City to perform the duties of the Manager during such disability or absence.

History: Amended by Ch. 63-1672, Laws of Fla.

Section 40. Responsibility of Manager—Powers of Appointment and Removal. The City Manager, if appointed, shall be responsible to the Council for the proper administration of all affairs of the City placed in his charge under this Charter. To that end, and except as otherwise provided herein, he shall have the power to appoint from the list of qualified applicants certified by the Civil Service Board, and, subject to the limitation of the budget fix the compensation of all employees, including peace officers, in the administrative service of the City, provided that such action, in respect to all department heads shall be approved by a vote of a majority of the members of the Council before becoming effective. Subject to the limitations of the Civil Service Act, Chapter 27765, Laws of Florida, 1951, the City Manager shall have the power to recommend removal of all officers and employees, including peace officers, in the service of the City, and he may authorize the head of a department, or officer responsible to him, to recommend the appointment and removal of subordinates in such department or office. Appointments made by, or under the authority of, the City Manager from the list of qualified applicants certified by the Civil Service Board shall be on the basis of executive and administrative ability, merit, fitness and of the training and experience of such appointees in the work which they are to perform. All such appointments shall be without definite term and in accordance with the terms and provisions of the said Civil Service Act.

History: Amended by Ch. 61-2533, Laws of Fla.

Section 41. Removal of Officers and Employees. Any officer or employee to whom the City Manager, or a head of a department or office,

may appoint a successor, may be suspended, reduced in pay, or removed upon the recommendation of the City Manager or other appointing officer at any time in the manner prescribed in Section 22 and Section 23 of the Civil Service Act, Chapter 27765, Laws of Florida, 1951.

History: Amended by Ch. 61-2533, Laws of Fla.

Section 42. Council Not to Interfere in Appointments or Removals. The City Council, with respect to appointments or removals, may, with the consent of the City Manager, and in accordance with Section 22 of the Civil Service Act, Chapter 27765, Laws of Florida, 1951, suspend any officer or employee in the Civil Service, for a reasonable period of time, not exceeding thirty (30) days, for any cause, which in the opinion of the City Council would be grounds for removal, suspension, demotion, fine or discharge.

History: Amended by Ch. 61-2533, Laws of Fla.

Section 43. Duties of the Manager. It shall be the duty of the City Manager to supervise the administration of the affairs of the City; to see that the ordinances of the City and the laws of the State are enforced; to make such recommendations to the Council concerning the affairs of the City as may seem to him desirable; to keep the Council advised of the financial condition and future needs of the City; to prepare and submit to the Council the annual budget estimate; to continually make examination of the City Clerk's records of all water, electric light and other accounts due the City and execute such orders and directions as may be prescribed by the City Council for the collection thereof and at all times exert diligent efforts to enforce their payments in due season, and upon failure to do so, to promptly make a written report to the City Council embracing full information regarding each and every delinquent account and such recommendations as he deems appropriate for the liquidation thereof; to prepare and submit to the Council such reports as may be required by that body; and to perform such other duties as may be prescribed by this Charter or required of him by ordinance or resolution of the Council, not inconsistent with this Charter. Nothing herein shall be construed to confer or impose upon the City Manager any of the powers, duties, or functions herein provided to be exercised or performed by any elective or other appointive officer of the City.

Section 44. Right of Manager and Other Officers in Council. The City Manager and such other officers of the City as may be designated by vote of the Council, shall be entitled to seats in the Council, but shall have no vote therein. The Manager shall have the right to take part in the discussion of all matters coming before the Council, and the heads of all departments and other officers shall be entitled to take part in all discussions of the Council relating to their respective departments and officers.

Section 45. Investigations by Council or Manager. The Council, or any person or committee authorized by it, shall have the power to inquire into the conduct of any department, office or officer of the City and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence. Failure to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a misdemeanor and shall be punishable by a fine not to exceed Fifty (\$50.00) Dollars or by imprisonment not to exceed thirty (30) days or both. Any officer, person or committee conducting the investigation shall report to the City Council all violations or neglect, of duty, or any misfeasance, malfeasance or non-feasance in office, or improper conduct on the part of any City official that may come to his or its knowledge.

Section 46. City Attorney; Appointment by Council. There is hereby created the office of City Attorney, which said City Attorney shall be appointed by the affirmative vote of a majority of all members of the City Council for a term not exceeding two years.

Section 47. Qualifications. The City Attorney must be a lawyer legally admitted to practice in the several courts of the State of Florida, and shall have such other qualifications as may be determined by City Ordinances.

Section 48. Compensation. The City Attorney shall receive an annual retainer to be fixed by the City Council and such fees for special or extraordinary services rendered to or on behalf of the City as may be specifically authorized by the City Council.

Section 49. Duties of City Attorney. The City Attorney shall act as the legal advisor and counsellor for the municipality and all of its officers in matters relating to their official duties. He shall prepare all contracts, bonds and other instruments in which the municipality is concerned and shall endorse on each his approval of the form and correctness thereof. When required so to do by resolution of the City Council he shall prosecute and defend, for and in behalf of the City, all complaints, suits, controversies and proceedings in which the City is a party. He shall furnish the officers or the heads of any departments of the City his opinion on any question of law relating to their respective powers and duties.

Section 50. Municipal Judge. There shall be a Municipal Judge who shall be appointed by the affirmative vote of a majority of all members of the City Council. The City Council at its first regular meeting in January in the even numbered years shall appoint a Municipal Judge for a term of two years to run from the first day of February in such even numbered years. The Municipal Judge shall be subject to removal for cause by the City Council in accordance

with the procedure for the removal of the City Manager as set forth in Section 39 of this Charter. He shall receive such compensation for his services as may be fixed by ordinance. He shall have power by his warrant to have brought before him any person or persons charged with the violation of a City Ordinance, and to require the attendance of witnesses for the City and accused; to administer oaths, to take affidavits, and to inquire into the truth of falsity of all charges preferred; to decide upon the guilt or innocence of the accused and to fix and enforce by penalty the sentence prescribed by law and the ordinances of the City; to have and exercise all powers incident and usual to the due enforcement of his jurisdiction. Appeals from the judgment and sentence of the Judge shall be taken in time and manner as prescribed by law, but all appeal bonds shall be submitted to him, and if approved by him, said appeals shall operate as a supersedeas. He shall keep a record of his official acts, substantially setting forth the charges preferred against the parties brought before him by warrant or otherwise, and of the judgment rendered in each and every case. The City Clerk shall keep a docket upon which shall be entered all causes tried in said court; said docket shall show by appropriate entries thereon the style of the cause, the nature of the offense, the judgment of the court, the amount of fines and costs, the satisfaction of the judgment, whether by payment of the fines and costs or by committal or by pardon or release by and under direction of the City Council. The docket shall also show the names of the complaining witnesses in each case and the date of appeal if granted. A sworn or verified complaint shall not be necessary to give the Municipal Judge jurisdiction of the offenses triable in that court, but the accused may be tried for the offense as docketed, provided such docket entry is sufficient to put the accused upon notice of the offense with which he is charged. The Municipal Judge shall have authority to release to bail persons arrested for the violation of city ordinances, and to fix the amount of bail bonds, such bail bonds not to exceed \$500. In the event of an appeal from the judgment of the Municipal Court, the Municipal Judge shall have authority to fix the amount of a supersedeas bond not to exceed double the amount of the fine that may be imposed for the offense of which the appellant has been adjudged guilty. The Mayor shall be eligible for appointment as Municipal Judge.

Section 51. Fiscal Year. Effective January 1, 1954, the fiscal year of the City Government shall begin on the first day of January and shall end on the last day of December. Such year shall constitute the budget year of the City Government.

Section 52. Budget.

(a) It shall be the duty of the Finance Committee of the City Council or the City Manager,

if appointed, to furnish to the City Council, each year on or before the first regular meeting of the City Council in November of each year, or as soon thereafter as practicable, itemized estimates of the financial needs of each department of the City, and thereupon the City Council shall consider such estimate and shall adopt a budget for the ensuing year, and the budget so adopted shall be deemed and considered as an appropriation for each department, and the legal limit of expenditures by the City Government. The budget for the City Government shall present a complete financial plan for the ensuing fiscal year. It shall set forth all proposed expenditures for the administration, operation, and maintenance of all departments and agencies of the City Government for which appropriations are required to be made or taxes levied by the City Government; all expenditures for capital projects to be undertaken or executed during the fiscal year; all interest and debt redemption charges during the fiscal year; and the actual or estimated operating deficits from prior fiscal years. In addition thereto the budget shall set forth the anticipated income and other means of financing the total proposed expenditures of the City Government for the fiscal year.

(b) In the event this Charter becomes effective as a result of the referendum election hereinafter provided for, a budget for the balance of the year 1953, subsequent to the referendum election hereinafter provided for, shall be prepared and adopted and shall be effective for said six months period in the same manner as is provided by subsection (a) of this Section 52.

Section 53. Transfer of Appropriations. The Council may upon the recommendation of the Chairman of the Finance Committee of the Council or the Manager, if appointed, transfer any unencumbered appropriation balance or any portion thereof within a department or agency of the City Government or from one department or agency to another.

Section 54. Money to be Drawn From Treasury in Accordance With Appropriation. No money shall be drawn from the Treasury of the City, nor shall any obligation for the expenditure of money be incurred except in pursuance of the annual appropriation ordinance or of such ordinance when changed as authorized by the next preceding section of this Charter. The City shall be prohibited from employing or appropriating the taxes and revenues of said city in any other manner than for purposes strictly municipal according to the provisions of this Charter. At the close of each fiscal year any unencumbered balance of an appropriation shall revert to the fund from which appropriated and shall be subject to reappropriation; but appropriation may be made by the Council, to be paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed

within such year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

Section 55. Purchase Procedure. Before making any purchase or contract for supplies, materials, equipment, or contractual services, opportunity shall be given for competition, under such rules and regulations, and with such exceptions, as the Council may prescribe by ordinance. All expenditures for supplies, materials, equipment, or contractual services involving more than \$500.00 shall be made on a written contract, and such contract shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance, but no such contract shall be valid or effectual in law unless the approval or ratification thereof is entered upon the minutes of the Council.

History: Amended by Ch. 63-1672, Laws of Fla.

Section 56. Issuance of Bonds. The City may issue bonds to pay for any property or public improvement which it may lawfully acquire or construct, to pay for any improvement the cost of which is to be assessed wholly or in part against abutting or benefiting property, or to fund or refund any indebtedness outstanding at the time this Charter takes effect for which inadequate provision for payment has been made; but no bonds shall be issued to pay current expenses. All bonds of the City shall be authorized by an ordinance passed by an affirmative vote of a majority of all of the members of the Council. Bonds for the acquisition of property, or the construction of improvements, shall be issued for a period not to exceed the probable usefulness of the property or improvement for which they are used; but in no case shall bonds be issued for a longer period than thirty years. All bonds hereafter issued by the City shall mature in annual installments and the first installment of principal shall fall due and be payable not later than two years after the date of issue. The City Council shall make such provision for providing a sinking fund for the punctual payment of said bonds as it deems advisable.

Section 57. Temporary Borrowing. When deemed necessary the Council may by ordinance authorize the issuance of certificates of indebtedness or notes in anticipation of the collection of taxes or of special assessments, provided that the amount of such obligations shall at no time exceed one-half of one percent of the assessed value of taxable property in the City according to the last assessment roll preceding said loan. Such obligations shall be a first lien upon the proceeds of such taxes or assessments, and shall mature within thirty days after such taxes or assessments become collectible.

Section 58. Contracts for City Improvements. Any City improvement costing more than Five

Hundred Dollars (\$500.00) shall be executed by contract except where such improvement is authorized by the Council to be executed directly by a City department in conformity with detailed plans, specifications and estimates. All such contracts for more than Five Hundred Dollars (\$500.00) shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance, provided the City Council shall have the power to reject all bids and advertise again. Alterations in any contract may be made when authorized by the Council.

History: Amended by Ch. 63-1672, Laws of Fla.

Section 59. Contracts Extending Beyond One Year. No contract involving the payment of money out of the appropriations of more than one year (other than renewals of continuing appropriations), shall be made for a period of more than ten years; nor shall any such contract be valid unless made or approved by ordinance.

Section 60. Independent Audit. As soon as practicable after the first day of January of each fiscal year, an independent audit shall be made of all accounts of the City Government by qualified public accountants, selected by the Council, who have no personal interest directly or indirectly in the financial affairs of the City Government or any of its officers.

History: Amended by Ch. 59-1605, Laws of Fla.

Section 61. Contracts Prohibited. No official or employee of the City shall be directly or indirectly interested in any contract with the City or work of any kind whatever on behalf of the City; and any contract in violation of this section shall be void.

Section 62. Execution of Contracts. All contracts, bonds and other documents to be executed for or on behalf of the City of Neptune Beach shall be signed by the Mayor and City Manager, if appointed, and attested, by the City Clerk with the Seal of the City.

Section 63. Checks, Vouchers or Warrants. All accounts, payrolls and other obligations of the City shall be paid only by checks, vouchers or warrants drawn against funds of the City after having been duly audited before the same are issued and such checks, vouchers or warrants must be signed by the City Clerk, Mayor and City Manager, if appointed, provided that the City Council may by resolution designate one of its members who shall be authorized to sign checks, vouchers or warrants above referred to in the place and stead of any one of the foregoing who may be absent or disabled. In all events, checks, vouchers and warrants must be signed by two persons.

Section 64. General Powers of Taxation. The City of Neptune Beach shall have the power and authority to raise by tax and assessment upon all real and personal property in its corporate limits, all sums of money which may be

required for the improvement and government of such City, and for the purpose of carrying out the powers and duties now or hereafter provided by its corporate Charter, or by law.

Section 65. Manner of Assessment and Tax Limitation. The City of Neptune Beach shall be empowered and is hereby authorized to make its own assessment of property for taxation and all property shall be assessed at its full cash value, without regard to the valuation placed thereon by the County Tax Assessor; the total tax levied for all purposes upon any property in any one calendar year shall not exceed two per cent, of such assessed valuation. In assessing real property within the corporate limits, any parcel of property erroneously left off the tax rolls may be restored thereto by the Tax Assessor, and the taxes assessed for not more than three preceding tax years. The assessment shall be made upon all real property by its legal description sufficient for its identification, and shall include all lands not exempt from taxation by the Constitution and Laws of Florida. It shall not be necessary to describe personal property assessed for taxation, and the term "personal property" shall be a sufficient description to sustain any listing and assessment of personal property of any person, firm or corporation.

Section 66. Tax Return. All persons, firms or corporations holding property whether real or personal, subject to taxation by the City of Neptune Beach, are hereby required to make a tax return of the same to the City Tax Assessor between the first day of January and the fifteenth day of March, annually.

Section 67. Requirements of Return. Such tax return shall be made upon and in compliance with blanks prepared therefor and furnished by the City Tax Assessor of the City of Neptune Beach, and shall contain a complete list of all the property taxable by the City belonging to such person, firm or corporation, on January 1st, preceding the date of making such return, giving separately the description of each separate lot or parcel of real estate. The description of the property thus returned may be considered by the Tax Assessor in making assessments, but he shall not be bound thereby. Should any person, firm or corporation omit to make a tax return within the time required, the City Tax Assessor shall assess all property not thus returned in the name of the owner, if the name of the owner shall be known to him, and where the owner is not known to him, he may assess in the name of the supposed or reputed owner or occupant or as belonging to unknown owner, and in case where the real owner has failed to make return of the property, as herein required, the assessment made by the Tax Assessor shall be deemed and held to be binding upon such owner or owners, and conclusive unless complaint is made of such assessment and valuation on the day and in the manner

provided for receiving petitions for the correction of assessments by the City Council, prior to the adoption of any annual tax roll.

Section 68. Preliminary Assessment Roll—Equalization and Manner of Fixing Rate of Taxation. It shall be the duty of the City Tax Assessor to make up an assessment roll of all the property situated within the City and subject to taxation by it as of January 1st of each year, identifying the parcels, lots and tracts of appropriate description; the assessment roll so made up by the City Tax Assessor shall be known as the preliminary assessment roll, and as such shall be certified and submitted to the City Council at its first regular meeting in the month of August in each year subsequent to the effective date of this Act. As soon as practicable after the preliminary assessment roll shall be certified and submitted, by the Tax Assessor to the City Council, the Tax Assessor shall cause to be published in a newspaper or posted at the City Hall and two other public places in the City of Neptune Beach, notice that the preliminary assessment roll has been made up and submitted to the City Council to be approved and requiring all persons desiring to have corrections thereof made, whether in the listing, valuation of property or otherwise, to file with the City Tax Assessor on or before the day to be named in such notice, which day shall not be less than ten days after the first publication or posting of said notice, petitions in writing to the City Council setting forth objections to the assessment shown in the preliminary assessment roll, and stating the correction that they desire to be made. Such notice shall be published daily for four consecutive days, in some newspaper published in Duval County, or posted as aforesaid, and said notice shall name a time and place where the City Council shall meet for the purpose of acting upon the petition, making the proper corrections and equalizing the assessments. From the date of the first publication of said notices, to and including the date of the first publication of said notices, to and including the time of such meeting of the City Council, the assessment roll shall be open to the inspection of the public during reasonable office hours. All petitions for corrections of assessments so filed with the City Tax Assessor shall be by him delivered to the City Council, by committee or otherwise, shall investigate concerning the same, and upon the day named therefor in the notice shall meet and sit as the Tax Equalizing Board for the purpose of considering and acting upon all petitions, correcting any assessment and equalizing the assessment, and shall make such changes in the listing and valuation of the property as may be necessary to the proper, just and legal equalizing of such assessment; and no assessment shall be held invalid unless suit be instituted within sixty days from the time the assessment shall become final. The preliminary assessment roll so corrected by the City Council after the same has been adopted and approved, shall be

and become the tax roll of the City and conclusive as to all and singular the assessments of the taxable property therein listed. As soon as practicable after such approval and adoption of the assessment roll by the City Council, the City Council shall determine and fix the rate of taxation and make the annual tax levy of the year. The City Council may levy a tax to be listed as a whole, or may make special levies for particular purposes as to them shall seem best. The approval and adoption of the assessment roll, and the fixing of the rate of taxation shall be by ordinance, which ordinance shall approve and adopt the assessment roll and determine and fix the rate of taxation and make the annual tax levies of the current year, and shall contain the authority and direction of the City Tax Collector to collect out of the property and from each of the persons, or parties named in the annual tax roll opposite each name or lot, parcel or tract of land therein described, and shall command the City Tax Collector, in case the taxes so imposed are not paid at the time prescribed by law, to collect the same in such manner as provided by law, and to account for all sums of money collected as the City Tax Collector of the City of Neptune Beach at the time and in the manner as shall be required by ordinance. Such ordinance accompanying the annual assessment and tax roll, shall be had and taken as conclusive of the regularity of the adoption of the assessment roll, determining and in fixing the annual tax rate, and the authority of the Tax Collector to collect the amounts of money therein mentioned.

History: Amended by Ch. 59-1605 and Ch. 63-1672, Laws of Fla.

Section 69. Council to Prescribe Form of Assessment Roll. The City Council may, by ordinance, prescribe the form of assessment roll to be made up by the Tax Assessor, and the City Council shall provide for furnishing to the Tax Assessor blank assessment roll books and maps, or any clerical assistance that may be required from time to time by the Tax Assessor in the performance of his duties, and in the making up of the Tax assessment roll.

Section 70. Validation of Former Assessments. The Tax Assessment roll for the assessment and collection of taxes for the year 1953 shall be made up by the City Clerk as Tax Assessor, in accordance with the procedure in force in the Charter and Ordinances of the Town of Neptune Beach at the time that this Act goes into effect, and the assessment of taxes in such manner for the year 1953, is hereby authorized and validated in all respects; all prior assessments and all tax levies theretofore made by and due to the Town of Neptune Beach are hereby ratified and validated and declared to be valid and existing liens against the land and property for the amounts set forth in and upon the tax assessment rolls of said respective former municipality.

Section 71. Form of Assessment Roll. The

assessment roll, when made up for the year 1954 and subsequently, shall be in accordance with this act, and shall be ruled in columns with appropriate heading showing the year of the assessment, owner, description of land, valuation, personal property, valuation, millage, total tax, exemption claimed, date of payment and number of receipt.

Section 72. Preliminary Roll—How Prepared. Upon preparing the preliminary assessment roll for the year 1954, and all subsequent years, the Tax Assessor is authorized and required to retain the listing of all property set up in the Tax Rolls, of the former municipality for the preceding years, and shall make any additions thereto as may be required to list thereon all of the real and personal property subject to taxation by the City of Neptune Beach, and also make any changes in name of any owner or description as may be required by the Tax return filed with the Tax Assessor, or such changes as may be required for the correction of errors or omissions as may come to his notice. The Tax Assessor shall examine each item of property listed on such assessment roll, and consider the valuation to be placed thereon for the purpose of the assessment of such property for taxation for the year for which the roll is prepared. Upon the completion of the Tax Assessor of such additions, changes in ownership or description, and the correction of any errors or omissions, all of such matters shall be set down by the Tax Assessor in the columns provided on the tax assessment roll, together with his valuation of all lands and personal property therein mentioned, all of which shall be certified by the Tax Assessor to the City Council of the City of Neptune Beach, as the preliminary assessment roll, and to which preliminary assessment roll the City Tax Assessor shall attach his certificate in the following form:

"I, City Clerk and City Tax Assessor of the City of Neptune Beach, do hereby certify that the foregoing is the assessment of the taxable property in the City of Neptune Beach, valued at its full cash value, and that it contains a true and correct description of all property in the City of Neptune Beach, subject to taxation by the said City, or liable to be assessed therein; that the listing and valuation in said roll shows correctly and accurately the listing and valuation as made up, corrected and adopted by me as such Tax Assessor, which is herewith submitted to the City Council for approval and adoption as the Tax Assessment roll of the City of Neptune Beach for the year of _____.
Dated this _____ day of _____ 19_____

City Clerk and Tax Assessor,
City of Neptune Beach."

Section 73. Annual Relisting of Taxable Property. The City Council is hereby authorized

to provide for and require the relisting of all taxable property on the tax assessment roll by the Tax Assessor, in accordance with this Act for the year 1954, and every year thereafter.

Section 74. Time for Payment of Taxes—Discount Allowed. City taxes shall be and become a lien upon the property upon which said taxes are assessed as of the first day of January of the year for which said taxes are assessed. Said taxes shall be and become due and payable on November first, and may be paid up to and including April 30th of the year following without penalty. The taxpayer shall be entitled to the following discounts: By payment during the months of November and December the sum of two per cent (2%) shall be deducted; by payment in January and February the sum of one per cent (1%) shall be deducted. After April 30th, all unpaid taxes shall become delinquent, and a penalty of one per cent (1%) per month shall be added to the amount of the taxes unpaid and delinquent.

History: Ch. 23372, Laws of Fla., 1945 and Ch. 70-758, Laws of Fla.

Section 75. Notice of Delivery of Tax Roll to Collector. As soon as the tax assessment roll may come into the hands of the Tax Collector, he shall give notice that the tax assessment roll is in his hands for collection, at the City Hall at Neptune Beach, and such notice shall be published in one or more newspapers once a week for four consecutive weeks or by posting such notice at the City Hall and at two other conspicuous places in the City for a period of thirty (30) days, which notice shall in substance contain the penalties accruing to the taxpayer, and such other matters as the Tax Collector may deem advisable.

Section 76. Lien Conferred. Any assessment of Taxes, together with the penalty, interest and costs of collection levied by the City of Neptune Beach, shall be and remain a lien upon the property assessed, superior to all other liens or claims, until the same shall be paid.

Section 77. Responsibility for Collection of Taxes. The City Council of the City of Neptune Beach shall have the exclusive power and it shall be the duty of such Council to cause to be collected by law or otherwise all delinquent taxes, or other money due the City.

Section 78. Delinquent Taxes—Tax Sales.

(a) The City Clerk of the City of Neptune Beach shall, except as herein provided, proceed in the collection of delinquent city taxes substantially in the same manner as now provided by law for the collection of delinquent county taxes and sale of property for the nonpayment of taxes due the county. He shall give all notices required by law, and sell the real property of delinquents in the manner now provided by law for county taxes. He shall prepare in triplicate a report of tax sales of real property for each year; one of which he shall retain; one shall be filed with the City Council and the other delivered to the City Manager, if any. At all sales of land for unpaid city taxes, in the

absence of purchasers therefor, the lands shall be bid in by the City Clerk, and certificate issued accordingly. City tax certificates shall be of equal dignity with county tax certificates issued upon the same property, and with all liens for taxes previously levied for city taxes, and in the case of foreclosure of either county or city tax certificates, shall share alike in the proceeds of sale.

(b) **Redemption, Purchase or Foreclosure of Tax Certificates.** Said tax certificates may be redeemed, purchased or foreclosed in the same manner and form, and upon the payment of the same costs and fees as now provided, or as may hereafter be provided by law for the redemption, purchase and foreclosure of county tax certificates.

(c) **When and How Tax Deed May be Obtained; Fees and Costs.** The holder of any City tax certificate provided for in the foregoing Section at any time two years after the date of its issuance, may obtain a tax deed to the land therein described by making application to the City Clerk and paying the fees therefor, all in the manner and form as is now or as may hereafter be provided by law for application for tax deeds upon county tax certificates, and the City Clerk shall issue such deed in the name of the City of Neptune Beach, and in the same manner and form and upon the same conditions as provided by law for the issuance of tax deeds upon county tax certificates, and shall charge and collect the same fees and costs as now provided, or as may hereafter be provided by law, for the issuance of tax deeds upon county tax certificates.

(d) **Payment of Taxes and Special Assessment Lien Before Obtaining Tax Deed.** Any person applying for a city tax deed under the provisions of this Act shall first pay all taxes and special assessment liens legally levied by the City of Neptune Beach upon the property in question.

(e) **Tax Certificates to Include Special Assessments.** City tax certificates issued under the provisions of this Act shall not only include City taxes for the year for which the same are severally issued, but also shall include any portion of any special assessment or assessments having been transferred to the tax rolls for the year for which said several tax certificates are issued.

Section 79 Remedies for Enforcing Obligations Due City. The City of Neptune Beach shall in addition to the power and authority to collect and enforce its liens for taxes in chancery, also have the power and authority to institute suit at law in any court having jurisdiction of the amount involved, in the name of the City of Neptune Beach for the collection of any taxes, liens, assessments, debts, or obligations due by any person, firm or corporation to the City of Neptune Beach, and may institute such suit by attachment or garnishment, as provided for under the laws of the State of Florida or

cause such writs to issue as an ancillary remedy to the institution of such suit at law.

Section 80. Collection of Occupation, Privilege and Personal Taxes. The City of Neptune Beach shall have authority to, under the hand of the City Tax Collector, and the seal of said City, issue distress warrants directed to any sheriff, constable or the Chief of Police of the City of Neptune Beach, requiring either of such officers to levy upon and seize so much of the personal property found within the City limits, of the person therein named, as shall be required to satisfy any occupation or privilege tax or taxes on personal property that may be due and delinquent. The sale of goods in the City from trucks or conveyances, or otherwise, shall constitute a transaction justifying and authorizing the fixing, levying and collection of a license tax. The officers named shall have the power and authority to execute such warrant by levying upon and seizing such property until sale or redemption. It shall be the duty of such officer to give not less than fifteen days notice of the time and place of sale at public outcry to the highest bidder for cash; such notice shall be delivered to the person in whose possession the property seized is found, and also shall be posted at the door of the City Hall and two other public places. If not redeemed by the owner, the officer at the time mentioned in the notice shall offer for sale and sell so much of such property under distraint as will satisfy the amount of the execution, and the cost of seizing and keeping the property and of the sale. The officer executing such distress warrant shall be entitled to the same fees as are allowed the sheriff by State law. Any surplus derived from the sale of such property, after the payment of the distress warrant and cost, shall be deposited to the credit of the owner, or reputed owner, with the City Tax Collector. Any claimant of the surplus of such sales, shall be required to give bond guaranteeing ownership of the claimant.

Section 81. Power to Grade and Fix License and Occupation Taxes. The City of Neptune Beach is hereby authorized to levy and enforce license or occupational taxes upon any and all occupations; business or professions, and to grade and fix the amounts in the same manner that the Legislature of the State of Florida could impose such license or taxes for State purposes.

Section 82. Franchise Tax. The City Council of the City of Neptune Beach is hereby authorized to levy and assess for use of its streets or on any part of its public beach, a short term or annual franchise tax or license to be determined by such City Council at a fixed sum, or by a percentage of the income of the licensee.

Section 83. Prohibition Against Alteration of Tax Roll or Extending Payment. The Corporate Officers of the City of Neptune Beach shall have no authority or power to alter or change the

tax assessment roll, or the amount of taxes therein levied, after the approval and adoption of such tax roll and its delivery to the City Tax Collector, and shall have no power to extend the time for payment of such taxes.

Section 84. Liens are Negotiable. All liens held by the City of Neptune Beach against lands and property, entered in the Improvement Lien Book, in accordance with this Charter and ordinances, shall be negotiable and may be transferred and sold by the City Council by ordinance, as and for security and for the redemption and payment of serial improvement bonds, or other obligations incurred by the City in making municipal improvements authorized to be made by Charter; the City Council may provide by ordinance for the acceptance of payment of all such liens in partial payments and installments of not less than an annual payment of one-twentieth of the whole amount of the lien, together with the interest due and accruing which shall be the same rate as is specified in the issue of serial improvement bonds which such liens shall secure; or that the negotiation and sale of such liens may be absolute if so provided by the Ordinance negotiating any sale thereof; and any ordinance authorizing payment of such liens in partial payment or installments shall provide that if default is made in the payment of any installment when due, the whole amount of such lien remaining due and unpaid, together with the interest thereon, shall be and become due forthwith, and payment demanded enforced and collected by the City of Neptune Beach, or if assigned in the name of such City by the assignee of any such lien or the holder of any serial improvement bond; collection shall be made in the same manner as is provided by Charter and by law for the collection of delinquent taxes; liens and assessments due the City; all cost of collections, including reasonable fees for the services of the attorney or solicitor enforcing such lien, shall be included. This section shall not be construed to be restrictive and the City of Neptune Beach shall also have the power and authority to apply any and all provisions of its charter, and the general laws governing the powers of cities and towns, in making assessment for public improvements and negotiating, securing and collecting such liens and assessments, and the issuance of certificates of indebtedness or Improvement Bonds.

Section 85. City Clerk Ex Officio Tax Assessor. The City Clerk of the City of Neptune Beach shall have all of the power and authority to perform the duties prescribed for Tax Assessor and wherever in the Charter or ordinances any duty or power is given or granted or imposed upon the City Tax Assessor, such duty and power shall be performed by the City Clerk, and his act or acts shall be certified as City Clerk and Tax Assessor and all such acts and certificates shall be taken and held to be valid and effectual the same as if the same had

been done and performed by a separate corporate officer as City Tax Assessor, and the said City Clerk shall be at all times ex officio City Tax Assessor.

Section 86. City Clerk, Ex Officio Tax Collector. The City Clerk of the City of Neptune Beach shall have all of the powers and authorities to perform the duties prescribed for City Tax Collector, and wherever in the Charter or Ordinances any duty or power is given, granted or imposed upon the City Tax Collector, such duty shall be imposed upon and performed by the City Clerk, and all such act or acts shall be certified as City Clerk and Tax Collector, and all of such acts and certificates shall be taken and held to be valid and effectual the same as if the same had been done and performed by a separate corporate officer, as City Tax Collector, and the said City Clerk shall be at all times ex officio City Tax Collector.

Section 87. Specific Powers. The City Council shall have power by ordinance to levy and collect taxes on all property and privileges taxable by law for state purposes, to appropriate money and provide for the payment of all debts and expenses of the City; to make regulations to prevent the introduction of contagious diseases in the City, to establish hospitals, jails, houses of detention and correction, and to make regulations for the government thereof; to make regulations to secure the general health of the inhabitants; and to prevent and remove nuisances; to provide for the cleaning and keeping in good sanitary condition of all premises within the limits of the City; to regulate the construction and arrangement of earth closets and privies and to make all reasonable rules and regulations in regard thereto; to provide for the prevention and extinguishing of fires, and to organize and establish fire departments; to provide for lighting the City; to make appropriations to open, alter, abolish, widen, extend, establish, improve, clean and keep in good repair streets, alleys, ramps, runways and sidewalks; to erect, establish and keep in good repair privies, culverts, sewers and gutters; to grant rights and franchises to and upon the streets, alleys, public roads, ways and avenues of said City for public utility; to make appropriations for lighting streets and public buildings, and for the erection of all buildings necessary for the use of the City; to prohibit and suppress all gambling houses, bawdy and disorderly houses, and obscene pictures and literature; to regulate, restrain or prevent the carrying on of manufacturing dangerous to public health and comfort and tending to cause or produce fires and to regulate and license the sale of firearms and fireworks, and to suppress the carrying of concealed weapons; to regulate the storage of combustibles, explosive and inflammable materials; to regulate and limit the number of licenses of vendors of intoxicating liquors in the proportion to the population of the City to be fixed and determined by ordinance

by the City Council; to provide for and regulate the inspection of beef, pork, flour, meal, poultry, and all other provisions, oils, whiskeys and other spirits; to regulate the inspection of milk, butter, lard and other provisions; to regulate the vending of meat, poultry, fish, fruits and vegetables; to establish and regulate markets; to regulate, tax, license or suppress the keeping and going at large of all animals within the City, to impound the same, and, in default of redemption in pursuance of ordinance, to sell, kill or otherwise dispose of the same; to establish pound limits within the City; to provide for enclosing, improving and regulating public grounds belonging to the City in or out of the corporate limits; to pass all ordinances necessary for the health, morals, convenience and safety of the citizens; to secure peace and good order in the City and to carry out the full intent and meaning of this Act, and to accomplish the object of this incorporation; to provide for the appointment of a police force which shall be vested with all the usual powers and authority of police officers under the general laws of the State; to provide for the arrest of persons violating any ordinance and for their punishment upon conviction by fines, forfeitures, penalties and imprisonment with or without labor, but no penalty shall exceed Five Hundred Dollars, and no term of imprisonment shall be for a longer term than three months for the same offense; to pass upon and grant with or without conditions, applications for pardon or release of persons convicted by the Municipal Judge, and to effect such pardon or release by written mandate to the Chief of Police.

Section 88. Additional Powers. The City shall have power by ordinance to construct or provide for the establishment of telephone, telegraph or transportation lines or systems, docks, wharves, boat basins, promenades, airports, recreational playgrounds, radio station or broadcasting system, tourist camp or areas for the parking of house cars, trailers and movable devices fitted for inhabitation or dwelling purposes and amusement piers, and to own and acquire same by purchase, lease, eminent domain or any other lawful manner and shall have the power to operate, rent, lease or sell same with the full and lawful right in the City, or its lessees or successors, to receive, charge, collect and assess charges, tolls, fees or rents for the uses, privileges or facilities thereof and to pledge or hypothecate the revenue derived thereby, or which may be anticipated to be produced therefrom, to finance the cost of constructing, acquiring or establishing any of such improvements or any part thereof, or any combination thereof; to condemn and order to be demolished and removed, or to be put in a state of sound repair any and all dilapidated, unsanitary and unsafe buildings, sidewalks or other structures and to provide and enforce penalties for failure to do so, and after giving twenty days' written notice, to the owner of such building, sidewalk or other structures to

repair or remove same, by posting such notice in a conspicuous place about the premises, to take such steps as may be deemed necessary to eliminate the unsafe or unsanitary condition of such buildings, sidewalks or other structures at the expense of the owner, assessing the cost thereof against said property, the City to have and hold a lien thereon therefor until the cost and expenses thus incurred are discharged by payment; to prohibit the uncontrolled growth of palmetto scrubs, weeds, vines, bushes, grass, thistles or other rank or noxious vegetable growth, the placing, keeping or maintaining of encroachments or obstructions of any nature or kind upon, in or over any public street, alley, walkway or public property of every nature and description, the accumulation of stagnant water upon the surface of the ground within any receptacle or structure deposited or erected above or below the ground without exercising necessary precaution to prevent the propagation of mosquitos therein, buildings, sidewalks, footways or structures which by act of God, fire, decay or other cause may become structurally dangerous, unsafe, dilapidated or unsanitary to remain in such dangerous, unsafe, dilapidated or unsanitary condition and to provide and enforce penalties for allowing, suffering or permitting any such prohibited act, occurrence or condition and to condemn, suppress and order to be removed, demolished, abated or otherwise eliminated or corrected such prohibited acts, occurrences or conditions, and after giving 20 days' written notice to the person, firm or corporation owning, occupying or having the care or custody of any lot or parcel of land upon or in connection with such prohibited act, occurrence or condition exists or is maintained by posting such notice in a conspicuous place about the premises, to order the same forthwith removed, suppressed or abated in such manner as the City Council may in its discretion determine appropriate, and assess the cost of so doing, or such proportion thereof as shall not be borne by the City, against the owner or occupant of the premises involved, to the end that such assessments shall be and remain liens upon the lands against which assessed until paid; to license, control, tax and regulate traffic and sales upon the streets, sidewalks, promenades, ocean beach and public places; and to license and cause to be registered and control, tax, regulate, or to prohibit in designated streets, roads, ocean beaches, or parts thereof, carriages, omnibuses, motor buses, automobiles, cars, wagons, drays, trucks, jitney buses and other vehicles, and to license, tax and cause to be registered and control the drivers thereof, and to fix the rates and schedules to be charged and maintained for the carriage of persons and property for hire within the City and beyond the limits of said City; to make and promulgate regulations for traffic on the streets, roads, ocean beaches, or parts thereof, during such hours and at such times as may be necessary or convenient, and to provide for parking spaces on the streets, roads, ocean beaches and

to at any time, discontinue the right to the use of such parking spaces and to regulate, vacate or discontinue the use of the same; and to require all vehicles for the carriage of persons for hire to be insured as required by ordinance for the protection of passengers, property and of the public and to make such insurance inure to the benefit of persons or property which may be injured or damaged by the operation of such vehicles for hire; and to require such insurance to be furnished by all persons, firms or corporations owning or operating for hire vehicles upon the streets, roads, ocean beaches and public places of the City of Neptune Beach, whether such operation be wholly within the limits of said City or between the City and other cities or towns or places outside of the City of Neptune Beach.

The City Council, upon compliance with section 54 of this Charter, is authorized and empowered to make appropriations and donations to any non-profit public service organization engaged in promoting the health and welfare of the public within the City of Neptune Beach or with respect to the citizens and inhabitants thereof; no such appropriation or donation to any one organization in any single year shall exceed the sum of five hundred dollars (\$500.00) in cash or cash value, and the aggregate appropriations or donations in any single year shall not exceed the sum of three thousand dollars (\$3,000.00) in cash or cash value.

History: The second unnumbered paragraph of this section was added by Ch. 69-1333, Laws of Fla.

Section 89. Zoning Authority. The City of Neptune Beach may, in the interest of the public health, safety, order, convenience, comfort, prosperity or general welfare, adopt by ordinance a plan or plans for the districting or zoning of the City for the purpose of regulating the location of trades, industries, apartment houses, dwellings or other uses of property, or for the purpose of regulating the height of buildings or other structures, or the area or dimensions of lots or yards in connection with buildings or other structures, or for the purpose of regulating the alignments of buildings or other structures near street frontages or other public property. The zoning regulations may be based upon any one or more of the purposes above described. The City may be divided into such number of zones or districts and such districts may be of such shape and area as shall be best suited to accomplish the purposes of the zoning regulations. In the determination and establishment of districts and regulations, classifications may be based on the nature or character of the trade, industry, profession or other activity conducted or to be conducted upon the premises, the number of persons, families, or other group units to reside in or use buildings, the public, quasi-public or private nature of the use of the premises, or upon any other basis or bases relevant to the promotion of the public health, safety, order, morals, convenience, prosperity or welfare, provided that no ordinance adopting zoning regulations as above author-

ized, shall be passed by the City Council of the City of Neptune Beach until after a comprehensive plan for the zoning of the City has been prepared and submitted to the Council. Whenever such a plan for the zoning of the City has been submitted, then the City Council shall hold a public hearing thereon and shall give notice of the time and place thereof by publishing the same in a newspaper of general circulation in the City once each week for not less than two consecutive weeks, or by posting a copy of such notice at the front door of the City Hall and in at least two other conspicuous places within the City at least fifteen (15) days prior to such hearing, and during said time a copy of such plan and proposed ordinance shall be on file for public examination in the office of the City Clerk.

Section 90. Improvements—Assignment of Cost Against Property Benefited. The City Council is hereby authorized and empowered to regulate, provide for and require the opening, widening, extending, laying, constructing, paving, repairing or improving of any street, avenue, alley, ramp, sidewalk, bulkhead, seawall, breakwater, promenade or other public improvement, the drainage and filling in of low places, public or private, dangerous to public health or required to promote public welfare, and the construction and maintenance of water and sewer systems and drains, and may provide for the payment of the cost of any such improvement by general taxation, or by the imposition of special assessments against the property specially benefited, for the entire cost of such work, or for such portion thereof as shall not be borne by the City, such assessments to be and remain liens upon the lands against which assessed until paid, provided that in no event shall the amount of such special assessment exceed the special benefit accruing to the property assessed by reason of such improvement work. In the case of streets, alleys, ramps, sidewalks, seawalls, bulkheads, breakwaters, and promenades the unit or basis for distributing the special assessment to pay the cost of such improvement shall be according to the front footage of the property fronting or abutting upon such improvement in the proportion that the particular parcel of land to be assessed bears to the total front footage of all property fronting or abutting thereon; in the case of the drainage or filling in of low places or the construction and maintenance of water and sewer systems and drains, the unit for the assessment of the share and amount of the cost to be distributed and assessed against any particular parcel of land shall be the platted lot according to the last plat thereof recorded amongst the public records at the time of commencing such work and it shall not be necessary for the City to break the assessment down as a result of any division of such lots which is not revealed by such recorded plat and each such platted lot shall bear such fair and just proportion of the cost of such work as was necessarily

expended in connection with the improvement or benefit accruing thereto. The City shall have a lien superior to all other claims, except taxes, against and upon the property for the amounts of the special assessments together with interest and all costs of collection. Whenever the doing of any such thing is provided for by ordinance, the ordinance providing for the same shall be accompanied by plans and specifications therefor and shall state the estimated total cost which will in the opinion of the City Council cover the total cost of the work and the proportion to be borne by the City, if any, and the estimated amount per front foot as special assessment to be levied upon abutting property, or the estimated cost to be specially assessed against the platted lot to be benefited as the case may be, and shall be published once a week for four consecutive weeks in some newspaper published in Duval County, Florida, or posted for thirty days at the City Hall and two other public places in the said City and the City Council shall meet as soon as practicable after the expiration of said publication or posting at a time named in the ordinance, and permit any owner of, or other persons interested in, any property against which it is proposed to levy such special assessment, to present to the City Council any objections which he may have to the enforcement of the requirement of such ordinance, and shall have power, if they deem just or right, to revise, repeal or amend said ordinance in such manner as it may deem necessary to correct or equalize the assessment in proportion to the benefits to be bestowed upon the property assessed, but no such amendment shall increase the amount to be specially assessed against the property, nor shall the assessment against any property be in excess of the special benefits accruing to said property by reason of such work. Any person owning or interested in any property to be specially assessed, or generally taxed for said work, who shall not at such meeting present in writing to the City Council his objections to said ordinance, shall be deemed to have consented to its provisions, and any person so presenting his objections to such ordinance and not satisfied with the action thereof, shall have the right, within thirty days thereafter to present to any court of competent jurisdiction against the enforcement of said ordinance any legal objection he may have to the enforcement of such ordinance, and the court shall have power, upon proper cause shown, to grant such injunction; and any person not presenting his bill for injunction within thirty days, or failing to push to a successful conclusion with due diligence his application for an injunction shall be deemed to have consented to the enforcement of the ordinance and levy and collection of the Special Assessment and taxes necessary thereto, and shall not thereafter be heard to defend against or question the validity of such tax or special assessment. The City Council is hereby authorized to provide by ordinance for the issuance of special assessment certificates for

such amounts and drawing such rates of interest and upon such terms and conditions as may be deemed necessary to enable the City to pay the cost of such work pending the collection of special assessments and taxes, and to provide for the payment thereof with interest; and the City Council shall, as soon as practicable and within thirty days after the completion of any such work, by resolution, fix a special assessment, per front foot upon the abutting property, or the special assessment against the platted lot to be benefited, as the case may be, at an amount not exceeding either the actual cost of the work or the estimated special assessment stated in the ordinance providing for the work, which said resolution shall specify the amount of the cost of such work so assessed against the abutting or benefiting property and the fact that a lien has been assessed against such property with a breakdown of the specific amount which has been assessed against each particular parcel of property to be particularly described therein and shall provide that the City Clerk shall forthwith have prepared and entered in a book, which shall be prepared and kept for that purpose, and kept open to the public for inspection during reasonable office hours, labeled "IMPROVEMENT LIEN BOOK", the amount of such lien assessed against each lot, the date of the completion of the work and such other information as may be deemed advisable. The City Council shall cause said resolution to be published in a newspaper published in Duval County once each week for four (4) consecutive weeks, or by posting same at the City Hall and two other public places in said City for a period of thirty (30) days. Any person desiring to contest in any way the validity of such special assessment or lien shall within thirty days after the publication or posting at the City Hall and two other public places in said City of the resolution fixing the special assessment, institute suit to have the enforcement thereof enjoined, or its invalidity legally declared, and any person not instituting such suit shall not thereafter be heard to question the validity thereof, or to defend against the enforcement of the lien upon the grounds of its invalidity. Any such special assessment paid within thirty days after the publication or posting of such resolution shall be accepted without interest and such assessment not paid within said time shall bear interest from the date of publication or posting of such resolution at the rate of eight per cent per year. The City Council may, by ordinance, provide for the payment of such special assessments in installments and for the collection by enforcement of the liens by attorney or attorneys after any payment has not been made in compliance with the provisions of such ordinance. The liens for the amounts of such special assessments may be enforced by bill in equity, and any number of liens arising under the provisions of one ordinance may be enforced in and by one proceeding in equity. The City shall have and collect a lien upon any properties affected by such spe-

cial assessments for reasonable attorneys fees for the collection of unpaid special assessments after the collection thereof shall have been entrusted to an attorney by resolution of the City Council.

Section 91. Water, Gas and Electric Utilities. The City shall have the power to acquire, purchase, lease, sell, erect, establish, install, operate, maintain, extend, or improve water, gas and electricity plants or systems or either thereof, and may engage in the business of furnishing, supplying, transmitting or selling water, gas or electricity to any person or corporation either within or outside the City limits, and the City Council shall be authorized to fix rates and charges to be assessed, imposed upon and collected from the consumers for the services and facilities furnished and provided by said plants or systems, or either thereby, or which may be anticipated to be produced therefrom, to finance the cost of acquiring, constructing, establishing, operating, maintaining, extending or improving any such utilities, or any part thereof, or any combination thereof. The City may also issue bonds in the manner now provided by law and use the funds derived from the sale thereof for any of the aforesaid purposes.

Section 92. Accounts to be Kept. Accounts shall be kept for each public utility owned or operated by the City in such manner as to show the true and complete financial results of such City, ownership and operation, including all assets, appropriately subdivided into definite classes, all liabilities subdivided by classes, depreciation reserve, reserve in lieu of taxation, other reserves and surplus; also all revenues, operating expenses, including depreciation, interest on payments, rentals, and other disposition of annual income. There shall be set up a fund for depreciation reserve into which shall be paid ten per cent of the annual gross income of City owned public utilities. From such depreciation reserve moneys may be expended only for repairs, renewals and extensions of such public utilities. The City Clerk shall fix and establish an assessed valuation for the City owned public utilities and there shall be set up a reserve fund in lieu of taxation equivalent to the millage regularly levied and assessed against privately owned property in the City. The reserve fund in lieu of taxation shall be paid periodically into the general fund of the City.

Section 93. Amusement or Recreation Pier. The City is hereby given the power and authority to erect, construct, or grant a franchise or franchises to any person or persons for the erection or construction of, amusement or recreation piers extending easterly from the bulkhead line of the City into the Atlantic Ocean a distance not more than one mile; the City, or its grantee under a franchise, shall have the power to operate, maintain, receive, charge, collect and assess charges, tolls, fees or rents for the uses, privileges or facilities thereof; the

City shall be authorized to pledge or hypothecate the revenues derived, or which may be anticipated to be produced from the operation or leasing thereof, to finance the cost of erecting, constructing, maintaining or operating such pier or piers. Any ordinance or resolution providing for the erection or construction of a pier or any franchise granted by the City for the erection or operation of such pier shall be approved by the affirmative vote of a majority of the qualified electors of said City participating in a special election held for that purpose.

Section 94. Franchises. The City Council shall have the power to grant franchises for furnishing the inhabitants of the City with water, gas and electricity, provided that in addition to the requirements now provided by law in relation thereto, all franchises shall contain a clause reserving to the City the right to purchase at any time, at the option of the City, the plant, system and equipment of the public utility for which the franchise is granted, at a price to be fixed by a board of three arbitrators, to be chosen, one by the City and one by the other party, the two arbitrators to choose a third. In case the City should exercise its option to purchase and the other party should refuse to choose its arbitrator within ten days after service of written notice of the City's decision to exercise its option of purchase, the City Council shall proceed to choose all three arbitrators, and upon payment of the price fixed by the arbitrators, for the utility, the City shall thereby own same, and the City may enter upon and take possession of same and gather the rents thereof, and also provided said franchise shall be approved by a majority of qualified electors voting at an election for the approval or disapproval of the ordinance, granting each franchise at a special election held for such purpose.

Section 95. Roads and Streets. The City Council shall have full and complete jurisdiction, charge and control over all public or dedicated roads, ways, avenues, streets, ramps, runways and alleys in the limits of the said City and shall have power to cause obstructions to be removed therefrom and to restrain and regulate the use and occupation of same by any person or corporation whatsoever to the end that the safety, comfort and welfare of the public may be secured and preserved.

Section 96. Ocean Beach. The City of Neptune Beach shall have full power and authority to exercise police powers with reference to the bathing and driving beach adjacent to and easterly of said City and the waters of the Atlantic Ocean on and easterly thereof as far as the jurisdiction of the State of Florida extends. The City may establish and set aside safety zones or areas upon said ocean beach and prohibit any and all vehicles from using the area embraced therein. Any control, regulation or exercise of its police power by such City in re-

gard to such beach and water shall be deemed and held to be solely a governmental function and no cause of action shall exist in favor of any person, nor shall the City be liable in damages, for an injury resulting to persons or property by reason of the use of such beach as a public highway, bathing beach, or otherwise, or by reason of any acts of omission or commission by the officers or employees of such City in reference thereto. Nothing herein shall be construed to require the City to maintain or keep in a safe condition for use as a public highway or bathing beach the said ocean beach or waters on and easterly thereof.

Section 97. County and State Roads. The City shall not be responsible for the neglect of Duval County or the State Road Department to properly maintain and keep in repair any State or County road touching or extending through the corporate limits of said City, nor shall the City be liable in damages for any injury resulting to persons or property by reason of the use of such State or County roads; or by reason of any acts of omission or commission by the officers or employees of such City in reference thereto.

Section 98. Damage Suits. No suit shall be maintained against the City for damages arising out of its failure to keep in proper condition any sidewalk, pavement, viaduct, bridge, street, promenade, boardwalk, bulkhead, ramp, runway or other public place, unless it shall be made to appear that the damage alleged was attributable to the gross negligence of the City, and that written notice of such damage was, within thirty days after the receiving of the injury, given to the City Clerk with such reasonable specifications as to time and place and witnesses as would enable the City officials to investigate the matter; and no verdict shall in any suit be given for an amount exceeding compensatory damages to the plaintiff directly attributable to such negligence on the part of the plaintiff. It shall be the duty of the City Clerk upon receiving any such notice, to at once investigate the matter, and lay the facts, supported by the evidence, before the City Council in a written report, and the City Council shall have the right, and, upon the written request of the person injured, it shall be the duty of the City Council to investigate the matter, and it may, by ordinance, make such reasonable settlement of any such damages as may be agreed upon between the City Council and the person so damaged, which settlement must be approved by majority vote of the City Council.

Section 99. Official Bonds. All officers and such employees of the City as the Council may by ordinance require to do so, shall give bond conditioned, for the faithful performance of his duties in such amount and with such surety as may be approved by the Council. It shall be mandatory for the following named officials to furnish such bonds in at least the following respective amounts, to-wit: City Clerk, Ten

Thousand (\$10,000.00) Dollars; City Manager, if appointed, Five Thousand (\$5,000.00) Dollars; the Mayor and each member of the Council, Three Thousand (\$3,000.00) Dollars. The premium charged on such bonds shall be paid by the City.

Section 100. Continuance of Contracts. All contracts entered into by the Town of Neptune Beach or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. Public Improvements for which legislative steps have been taken under laws or Charter provisions existing at the time this Charter takes effect may be carried to completion in accordance with the provisions of such existing laws and Charter provisions.

Section 101. Property and Obligations.

(a) The title, rights and ownership of all property, uncollected taxes, dues, claims, judgments, decrees, and choses in action, held or owned by the Municipality, abolished by this Act, that is to say, the Town of Neptune Beach, prior to the effective date of this Act shall pass to and be vested in the City of Neptune Beach hereby created.

(b) All property of the present municipality of the Town of Neptune Beach shall become the property of the City of Neptune Beach hereby created, and all moneys on hand or due to become due to the Town of Neptune Beach, shall be paid to and collected by the City Clerk of the City of Neptune Beach, and the City of Neptune Beach shall assume the payment of the present obligations of the Town of Neptune Beach.

(c) All bonds heretofore issued by the Town of Neptune Beach shall be paid from taxes levied and assessed in the City of Neptune Beach; all bonds and all other issues of bonds shall be general obligations of the City as constituted under this Act.

Section 102. Abolishment of Existing Offices. Should this entire Act become operative and effective the offices of, as well as the respective terms of, the Mayor and each member of the City Council holding office under the pre-existing Charter of the Town of Neptune Beach, shall immediately upon the election and qualification of the officers provided to be elected under the provisions of this Act at the General City Election in October, 1953, be and the same are hereby, at such time, dissolved, abolished and terminated, provided, however, that said officials shall hold office until their successors have been duly elected and shall have qualified.

Section 103. Existing Ordinances. All existing ordinances of the present municipality of the Town of Neptune Beach, not in conflict with the provisions of this Act, shall continue in effect and unimpaired until repealed, amended or modified by the City Council which is created by this Act.

Section 104. Construction of Act. Any clause or section of this Act which may for any reason be judicially declared invalid may be elimi-

nated from this Act without affecting the remaining portion or portions thereof, and said remaining portion shall be and remain in force and effect as if such invalid clause or section had not been incorporated herein.

Section 105. Repeal of Existing Laws. If this Act shall become operative and effective as herein provided, it is intended that the provisions hereof shall in itself, constitute the Charter of the City of Neptune Beach and all pre-existing Special Acts of the Legislature of the State of Florida applicable solely to the Government of the Town of Neptune Beach, shall be and the same are hereby, each and every, repealed, except Chapter 27765, Laws of Florida, 1951, which shall remain in full force and effect.

Section 106. Date, Nature and Conduct of Election. Before this Act shall become operative and effective it shall first be submitted to a referendum vote of the qualified electors of the Town of Neptune Beach, participating in a special election to be held in said City on the 30th day of June, A. D. 1953. Notice of said election shall be given by the City Clerk by publishing the same at least once in a newspaper published in Duval County, Florida, the first publication to be not less than one week before said election, or by posting a copy of such notice at the front door of the Town Hall and at two other conspicuous places in the Town at least one week prior to said election. Said notice shall be in substantially the following form:

"NOTICE IS HEREBY GIVEN that an election will be held in the Town of Neptune Beach on the 30th day of June, A.D. 1953, for the approval or disapproval of the Act of the Legislature providing a new municipality to be known as the City of Neptune Beach in lieu of the existing Town of Neptune Beach.

"All persons qualified to vote in the last general election of the City, or who may have since become qualified and registered shall be qualified to vote at said referendum election.

"DATED the _____ day of _____, A.D., 1953.

City Clerk"

Section 107. Qualified Referendum Electors. All qualified electors who were qualified to vote in the last general municipal election in said municipality and all qualified electors who shall register as provided in Section 108 of this Charter shall be qualified to vote, in said referendum election.

Section 108. Special Registration. The Town Council shall make all needful arrangements and provide for the registration of all persons possessing the requisite qualifications of electors of said Town and desiring to participate in said referendum election. The Special registration hereby authorized shall be conducted as

nearly as practicable in conformity with the provisions of Section 23 of this Act, except where in conflict with this section, but the registration books shall not be opened until ten (10) days prior to the date of such election and remain open for a period of ten (10) days.

Section 109. Conduct of Election. It shall be the duty of the Council of the Town of Neptune Beach as constituted on the date of this Act becoming a law to provide for the holding of the said referendum election. Said election shall be held as nearly as may be provided by the term of this Act and the general laws of Florida governing elections. All expenses incident to the conduct of said election shall be paid by the said Town of Neptune Beach.

Section 110. Form Ballot. The form ballot to be used at said election shall be as follows:

OFFICIAL BALLOT NO. _____
CHARTER ELECTION BALLOT
JUNE 30, 1953
TOWN OF NEPTUNE BEACH

Make a cross mark (X) before the word "for" or before the word "against", accordingly as you approve or disapprove of an Act of the Legislature providing a new Municipality to be known as the City of Neptune Beach in lieu of the existing Town of Neptune Beach.

_____ For approval of new Charter.
_____ Against approval of new Charter.

Section 111. Canvass of Result and Effect. The Council shall canvass the result of said referendum election and shall file a certificate of such result with the Secretary of State.

Section 112. Pension Fund Authority. The

City shall have power by ordinance to create for the employees of the City, holding permanent positions, a pension fund, who may, while an employee of the City, become incapacitated through injury, or ill health, or, who shall after a number of years of service be retired and in case of their death while in the service of the City, for their dependents, provided, however, that any such pension fund, or plan therefor shall not become operative or effective until the same shall first be submitted to a referendum vote of the qualified electors of the City participating in a special election to be held for such purpose, which election shall be held as nearly as may be provided by the terms of this act and the general laws of Florida governing elections.

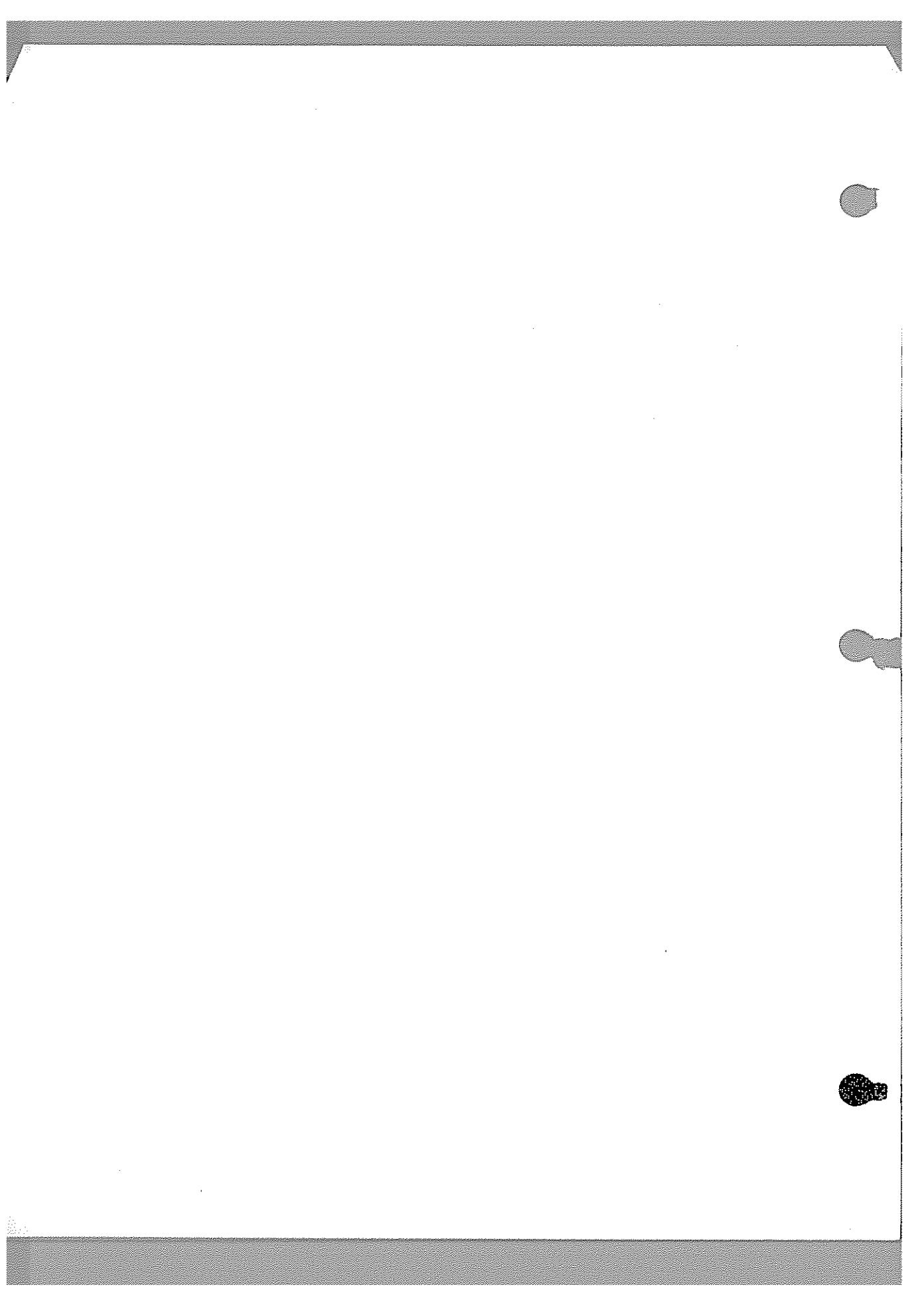
Section 113. Peace Officers, (Amended 1961). It shall be the duty of the City Council, upon certification by the Civil Service Board, in accordance with the Civil Service Act, to provide for one or more peace officers for the City of Neptune Beach. The City Marshal of the City of Neptune Beach and all Deputy Marshals of the City of Neptune Beach, after appointment and confirmation by the City Council, shall be members of the Civil Service of the City of Neptune Beach and entitled to all the rights and privileges thereof and subject to all of the limitations, terms, provisions and penalties thereof.

Section 114. Effective Date of Act, and Majority Required. If a majority of the votes cast at said referendum election in the Town of Neptune Beach be for approval, then this Act shall become operative and effective on the date of said referendum election, otherwise, this Act shall have no force or effect.



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FOR
NEPTUNE BEACH





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CHARTER
TOWN OF BALDWIN
FLORIDA

Fifth Urban Services District

In 1947, the present Charter was adopted by Ch. 24387, Sp. Acts 1947, and amended by Ch. 28889, Sp. Acts 1953, relating to public utility franchises, and by Sp. Acts, Ch. 59-1063, authorizing a maximum compensation for the town councilman and mayor.

The sections of the Charter have been re-

numbered, catchlines supplied and Article numbers with titles inserted for clarity and convenience of the user. However, the original Chapter, Article and Section number of each section is inserted in the historical note at the end of each section.

Editor

ARTICLE I
TRANSITION

Section 1. Town Created and Established. That the municipal corporation now existing and known as the Town of Baldwin, in Duval County, Florida, be and the same is hereby abolished; and a new municipality to be known as the Town of Baldwin, in Duval County, Florida, is hereby created and established to succeed such former municipality of the Town of Baldwin. The Town of Baldwin hereby created and established shall embrace and include all that territory in Duval County, Florida, described as follows:

Beginning at the Northeast (NE) corner of of Southwest Quarter (SW $\frac{1}{4}$) of Northwest Quarter (NW $\frac{1}{4}$), of Section Twenty-four (24) Township Two (2), Range Twenty-three (23) East, thence run West along Quarter section line one and one-half ($1\frac{1}{2}$) miles, thence South along quarter section line one and one-quarter ($1\frac{1}{4}$) miles, thence East along half section line of Section Twenty-six (26), Township Two (2), Range Twenty-three (23) East one and one-half ($1\frac{1}{2}$) miles, thence North along quarter section line of Sections Twenty-five (25) and Twenty-four (24), one and one-quarter ($1\frac{1}{4}$) miles, to place of beginning, containing one and seven-eighths ($1\frac{7}{8}$) square miles.

History: Ch. 24387, Section 1, Sp. Acts 1947.

Section 2. Municipal Authorities. That said corporation shall have the perpetual succession, and by the name of the Town of Baldwin may sue, be sued and defend, plead and be impleaded, in all courts and places and in all matters and proceedings; may have and use a common seal, and alter the same at pleasure; may acquire by gift, grant, devise, bequest, purchase, or in any other manner, similar or dissimilar, receive, own, lease, hold, use and enjoy, or sell and dispose of, real and personal property, or any interest therein within or without the said municipality; may take by devise, bequest, gift, donation or otherwise any property, real or personal within or without the

territorial limits of said municipality, in trust for public, charitable, or other purposes, and do all acts and things necessary or appropriate to effectuate such trusts, with power to manage, sell, lease or otherwise dispose of said property in accordance with the terms of said trusts; may use any of said real property, whether within or without the territorial limits of said municipality for parks, playgrounds, roads, cemeteries, quarries, disposal plants, waterworks, electric light plants, ice plants, gas plants, and the erection, maintenance, and operation of municipal buildings, works and construction of every kind and character, including municipal offices, schools, courthouse, fire and police stations, houses of detention and correction, hospitals, infirmaries, asylums, dispensaries, poorhouses, crematories, and markets, lighting and power plants and waterworks, to supply light, power and water for public purposes, or to be sold for profit, and buildings, bridges, works and construction for all of the purposes that said municipality, through its proper authorities may deem necessary or proper for the welfare of said municipality, or the inhabitants thereof, and may exercise all other powers herein conferred.

History: Ch. 24387, Section 2, Sp. Acts 1947.

Section 3. Assumption of Assets of Former Town. That the titles, rights and ownership of property, uncollected taxes, dues, claims, judgments, decrees and choses in action, held or owned by the Town of Baldwin, shall pass to and be vested in the municipal corporation hereby created and established to succeed such municipality.

History: Ch. 24387, Section 3, Sp. Acts 1947.

Section 4. Obligations not Impaired. That no obligation, contract or franchise, given or held by the Town of Baldwin, shall be impaired, altered or changed, or any wise affected by this Act, but all debts, obligations and franchises, given or held before this time in effect, by the Town of Baldwin, shall continue unimpaired to

the Town of Baldwin hereinafter created by this Act.

History: Ch. 24387, Section 4, Sp. Acts 1947.

Section 5. Officers of Town. That all officers of the Town of Baldwin holding office at the time of the passage of this Act, shall hold office for the full term for which they were elected or appointed, unimpaired by this Act, unless before that time removed for cause and in accordance with the law.

History: Ch. 24387, Section 5, Sp. Acts 1947.

Section 6. Ordinances Retained. That all ordinances of the former Town of Baldwin, which are not in conflict with the provisions of this Act, or with the Constitution and laws of the State of Florida, shall be and remain ordinances of the Town of Baldwin hereby organized and established, until altered, amended, modified or repealed by the town council of the Town of Baldwin, hereby created and established.

History: Ch. 24387, Section 6, Sp. Acts 1947.

ARTICLE II

ADMINISTRATIVE OFFICERS; ELECTIONS

Section 7. (1) That the corporate authority of said Town of Baldwin shall be vested in a town council, composed of a mayor-councilman and four (4) councilmen, which officers shall be elected by the qualified voters of the Town of Baldwin; and a town clerk, town treasurer, town collector of taxes, town registration officer and town tax assessor.

(2) The town council is hereby authorized and empowered to create and to abolish by ordinance such other and additional officers as may be found advisable for the good government of the town and to provide by ordinance for the tenure, duties and compensation of the officers to fill such offices as may be so created.

(3) The town council is hereby authorized and empowered to fix the amount and the time of payment of all salaries or other compensation of all town officials and employees; provided, however, the town council shall not increase their own salaries during their term of office; provided further that nothing contained herein shall prevent any councilman from holding any of the jobs created by town council and receiving for such services compensation so fixed by the town council.

(4) Each councilman shall receive a salary not to exceed the sum of ten dollars (\$10.00) per session for each session of council which he attends. The mayor-councilman shall receive such additional compensation as shall be fixed by ordinance of the town council.

(5) The town clerk and his assistants and deputies, if any, shall be appointed and their compensation fixed by ordinance or resolution of the town council.

(6) The mayor-councilman of the Town of Baldwin is hereby authorized and empowered to appoint a chief of police, and such additional police officers as the town council may authorize, subject to confirmation by the town council of each such appointment. All appointive officers and their assistants or deputies shall hold office for the term of one (1) year unless sooner removed. It shall be the duty of the mayor-councilman at the beginning of his term to submit to the council the name of the person he desires to appoint as chief of police and his assistant officers, and the town council shall confirm or reject each appointment by a three

fifths (3/5) vote of all members. In case of any rejection, vacancy, or removal, it shall be the duty of the mayor-councilman to nominate another person within ten (10) days or the town council may proceed to make such appointment. Any person appointed to hold office in the Town of Baldwin may be removed from such office at any time without notice and without cause by a vote of three fifths (3/5) of all the members of the town council.

History: Amended by Ch. 65-1255, Laws of Fla.

Section 8. General Elections; Terms; Consolidation of Offices in One Person. Elections shall be held on the second (2nd) Tuesday of January, and a runoff election, if needed, shall be held on the third (3rd) Tuesday in January, every two (2) years. All officers shall be elected by a majority of votes cast and the officers shall be sworn into office on the first (1st) Tuesday of the following month. The town council, composed of one (1) mayor-councilman and four (4) councilmen, shall run in five (5) groups. In 1970, groups one (1) and two (2) shall be elected to four (4) year terms and groups three (3), four (4) and five (5) shall be elected for two (2) year terms. After the expiration of the aforesaid terms, members of the town council shall be elected to four (4) year terms. The mayor-councilman shall be the candidate elected in group five (5). The town council may by ordinance provide that one (1) and the same person may hold, and may appoint one (1) and the same person, to hold two (2) or more of the following offices: The offices of town clerk, town treasurer, town collector of taxes, town registration officer, town tax assessor and any other office that may be created by ordinance.

History: Amended by Ch. 65-1255, and Chapter 69-831, Laws of Fla.

Section 9. Elections Regulated by Ordinance. The qualification of electors and the rules and regulations for the registration of voters and the rules and regulations for the calling and conducting of political caucuses and primaries, whereby the names of candidates may be selected and certified to be placed upon the official ticket at any general or special election held within the Town of Baldwin, and the rules and

regulations whereby names of candidates may be selected and certified by petition to be placed upon the official ballot at any general or special election held within the Town of Baldwin, and the rules, laws and regulations for holding and certifying general and special elections to fill vacancies in any of the town offices, shall be prescribed by the ordinances of said Town of Baldwin, the same not to be in conflict with the Constitution of the State of Florida, and this Charter.

History: Ch. 24387, Section 9, Sp. Acts 1947.

Section 10. Rules of Council; Quorum; Attendance of Members; Meetings. The town council of the Town of Baldwin may enact rules of procedure and may prescribe penalties for the non-attendance or disorderly conduct of its members, and enforce same.

A majority of the members of the town council shall be necessary to constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time under the provisions of ordinances or rules of procedure may compel attendance of absent members by imposition of fines and penalties. The town council of the Town of Baldwin shall hold at least one regular meeting each month in such building as shall be designated by them at a fixed day and hour. Special meetings may be provided for by ordinance.

History: Ch. 24387, Section 10, Sp. Acts 1947.

Section 11. Oath of Office. Each town official, whether elective or appointive, shall, before entering upon the discharge of the duties of his

office, take and subscribe the following oath before some judicial officer of the state, to-wit:

"I do solemnly swear (or affirm) that I will support, protect and defend the Constitution and Government of the United States, and of the State of Florida, against all enemies, domestic or foreign, and that I will bear true faith, loyalty and allegiance to the same, and that I am entitled to hold office under the Constitution, and that I will faithfully perform all of the duties of the office of _____ on which I am about to enter, so help me God."

The said oath of office shall be filed with the town clerk of the Town of Baldwin, and by him kept and preserved as a part of the records of the said Town of Baldwin.

History: Ch. 24387, Section 11, Sp. Acts 1947.

Section 12. Vacancies. Whenever a vacancy occurs in any elective office in the government of the Town of Baldwin, the town council shall have the power to fill such vacancy by appointment for the unexpired term of such officer.

History: Ch. 24387, Section 12, Sp. Acts 1947.

Section 13. Performance Bonds. That all incumbents of office created by this act, or by ordinance or resolution of the town council of the Town of Baldwin, may be required to give such bond as the town council may prescribe, such bond being conditioned to faithfully discharge their several official duties.

History: Ch. 24387, Section 13, Sp. Acts 1947.

ARTICLE III GENERAL POWERS

Section 14. Powers of the Council. The town council of the Town of Baldwin, shall, within the limitations of this act, have the power by ordinance:

(1) To levy and collect taxes upon all property, privileges and professions, taxable by law for state purposes;

(2) To make their own valuation for the purposes of municipal taxation, without regard to the valuation made by the state for state taxation, provided, however, that the valuations so made by the Town of Baldwin for municipal taxation shall be just, and have a fair relation to a uniform and equal rate of taxation; provided that such assessed valuation shall not exceed a fair cash value of said property.

(3) To appropriate money for the payment of debts, and the expenses of the town;

(4) To make regulations and prevent the introduction and spread of infectious and contagious diseases into the town, and to make quarantine laws for the purpose and to enforce the same within five miles of the town limits, when the same are not in conflict with the quarantine laws and regulations of this state, or of the United States;

(5) To establish hospitals, jails, houses of detention and correction, and to make regulations for the government thereof;

(6) To make rules and regulations to secure the general health of the inhabitants, and to prevent and remove nuisances, whether affecting the health or morals of the community, or otherwise wrongful;

(7) To provide the town with a supply of water for the public purposes, and to sell the same to private individuals and other users, for profit by waterworks to be within or beyond the boundaries of the town, and for that purpose to acquire, build, construct, or lease, or permit others to acquire, build, construct or lease waterworks and a water system, and for that purpose to acquire property, lakes, wells, to dig artesian wells and other wells, and to connect the same with the town by mains or otherwise, and to do all and whatever may be necessary, either within or without the town of Baldwin to provide waterworks and a water system complete for said town;

(8) To provide for the prevention and extinguishments of fires, and to organize and establish fire departments; to provide for and

purchase for the Town of Baldwin fire fighting apparatus of whatever kind or nature may be deemed necessary; to provide and equip a fire department with buildings, machinery, fire fighting apparatus or whatever the town council of the Town of Baldwin may deem necessary for the purpose of preventing and extinguishing fires, and thus protect the buildings and property of the Town of Baldwin and inhabitants thereof;

(9) To provide for the lighting of the Town of Baldwin by electricity, gas or other illuminating material, and to sell gas or electricity or other illuminating material to others for profit within or beyond the boundaries of the municipality, and for such purposes may purchase or acquire any such plant or plants now existing in accordance with the terms of purchase by arbitration or otherwise, as may be set forth in the present franchises held by such plant or plants, or the town may buy, lease, build, construct, own and operate any plant or plants for the manufacture and sale of electricity, gas or other illuminate, in any way whatsoever deemed advisable by the town council.

(10) To provide the Town of Baldwin with a supply of ice for public purposes and to sell the same to private individuals and other users for profit and to own an ice factory to be within or beyond the boundaries of the town, and for that purpose to acquire, build, construct or lease, or to permit others to acquire, build, construct or lease an ice factory; and for such purposes the town may purchase or acquire any such ice plant or ice factory now existing, in accordance with the terms of the franchise by arbitration or otherwise, as may be set forth in the present franchise held by such ice factory or ice plant now operating within the Town of Baldwin; provided, that no town officer of the Town of Baldwin or any person who may be interested in any way in any such electric light plant, ice plant or ice factory shall be allowed to act as arbitrator under the provisions of this act.

(11) To authorize and make appropriations, to alter, open, extend, abolish, widen, establish, grade, pave or otherwise improve, clean and keep in repair, streets, alleys and sidewalks, and to erect and keep in repair bridges, culverts, sewers and gutters;

(12) To make appropriations for lighting the streets and public buildings, and for the erection and maintenance of all buildings necessary for the use of the town;

(13) To license, tax and regulate auctioneers, tavern keepers, peddlers and all other privileges taxable by the state, without regard to the amount of state license tax, and without regard to whether the state shall license the same or not;

(14) To license, tax and regulate hackney carriages, cars, vehicles, motors, omnibuses, wagons, drays, automobiles, and to fix the rate to be charged for the carriage of persons, and property, within the town limits, and to the public works and property within the town

limits, without regard to the amount of State license tax, and without regard to whether the state shall license or regulate the same or not;

(15) To regulate and license any theatrical or other exhibition, show, circus, parade, athletic or other amusements, and to license and tax any other business, occupation or profession, without regard to the amount of state license tax, and without regard to whether the state shall license the same or not;

(16) To prescribe and suppress gambling houses, bawdy houses, disorderly houses and any show, circus, exhibition or any amusement contrary to good morals, and all obscene pictures and literature;

(17) To regulate, restrain and prevent the carrying on of all manufactories of a nature tending to increase or produce fires, smoke, soot, bad odors or offensive noises and to restrain any person or corporation from polluting the soil, streets, sewers or streams;

(18) To license or prohibit the sale of fire-arms; to regulate the storage of tar, pitch, rosin, salt peter, gun cotton, kerosene, gasoline, oils, and all other combustibles, explosives, and inflammable material and the use of lights, candles, lamps, electric wires and steam pipes, in dwellings, stables, shops and all other places;

(19) To regulate or suppress the sale of fireworks, toys, pistols or guns, slingshots and similar articles;

(20) To provide for and regulate inspection of beef, pork, poultry, fish, flour, meal and all other provisions, including oil, kerosene, gasoline and other inflammable commodities;

(21) To inspect and regulate the inspection of milk, butter and lard sold or offered to be sold within the corporate limits of the Town of Baldwin;

(22) To regulate the vending of milk, meat, poultry, fish, fruits and vegetables within the corporate limits of the Town of Baldwin;

(23) To establish and regulate markets within the corporate limits of the Town of Baldwin;

(24) To provide for the arrest, imprisonment and punishment of all vagrants, and riotous and disorderly persons within the town by day or by night by warrant or otherwise;

(25) To provide for the punishment of all breakers of the peace;

(26) To disperse all disorderly assemblies on the Sabbath or Secular days;

(27) To enact all ordinances necessary to the public health;

(28) To impose penalties on the owners, occupants or agents of any house, road or sidewalk or other structure, or place or things, that may be dangerous or detrimental to persons or property;

(29) To regulate, tax, license or suppress and punish by fine or imprisonment the keeping and going at large of all animals, fowls and domestic birds within the town, and to impound the same, and in default of redemption, in pursuance of ordinance, to sell, kill or otherwise dispose of the same without regard to any state law relating to this subject.

(30) To provide for the enclosing, improving and regulating of public grounds, belonging to the municipality within or without the corporate limits;

(31) To provide for the organization and maintaining of a police force, and to impose fines, forfeitures and penalties and terms of imprisonment at hard labor; or otherwise for a breach of the town ordinances, but no penalty shall exceed two hundred and fifty dollars and no term of imprisonment shall be for a longer period than sixty days for one and the same offense;

(32) To provide for the imprisonment of offenders against the ordinances at hard labor on the streets, or other public works of the town, to be designated by ordinance, until the fines and costs adjudged against them by the judicial authority of the municipality are paid, the amount to be credited to such persons on account of fines and costs for each day's work performed, to be fixed by ordinance;

(33) To regulate and provide for the construction of streets, and paving the same, and for the construction and repair of sidewalks and foot pavements;

(34) To grant the right-of-way through the streets, avenues and public grounds of the town for the purpose of street or other railways, providing that nothing in this section shall be so construed as to deprive any abutting owner from recovery for any damage that he may suffer or be put to by the granting of such right-of-way;

(35) To construct and provide for the construction of sewers and drains, and for keeping in repair, and to assess the expense on the property especially benefited thereby, in proportion to the amount of the benefit or upon abutting property owners in proportion to the frontage, and upon all land drained thereby, and which received a benefit, and the town council shall be the judge of the amount of the assessment, the benefits received and the proportion that shall be assessed upon each property owner;

(36) To take and appropriate private grounds in manner and form provided by law, by condemnation, for widening streets or parts thereof, or for extending the same, or for laying out or extending a few streets, avenues, squares,

parks, or promenades, sewers, or drains, when the public convenience may require it or for the construction or maintenance thereof of any municipal plants, works, or for any other necessary public apparatus, and to assess the cost and expense pro-rata for such improvements upon the property especially benefited thereby;

(37) To require parties or their agents owning property within the town to bring the same to a grade, a topographical level, by filling or excavating, as shall be necessary, or the town may do the same, and the amount expended therefor shall be a lien on said property and may be enforced by the municipality as provided in case of pavements, sidewalks, and sewers;

(38) To prohibit the erection, construction, or maintaining of any barb wire fence, or any kind of fence, which may be dangerous to the public, along-side of any sidewalk or street within the corporate limits of the town;

(39) To provide for the punishment of any person or corporations, that shall sell or dispose of any article, commodity or thing by weight or measure, and shall deliver to the purchaser a smaller quantity for the consideration agreed upon between the seller and the purchaser;

(40) To provide for the establishment of fire limits within said town, and to provide the kind and character of buildings that may be constructed and maintained within such fire limits, and to provide that before any buildings shall be erected within the town, whether in the fire limits or not, that the owner or his agent shall submit plans and specifications to the town council, and shall obtain from the town council a permit to erect such buildings before the work of construction begins;

(41) To regulate and designate where gasoline stations may be erected;

(42) To provide for the abatements of any building or structure, or any other matter or thing which shall be a public nuisance, or which shall endanger the public health or safety, to materially interfere with the public comfort or convenience;

(43) To purchase, own, lease, operate, maintain airports or landing fields for aircraft and to finance same for period not to exceed ten (10) years.

History: Ch. 24887, Art. II, Section 1, Special Acts 1947.

ARTICLE IV

MUNICIPAL ORGANIZATION

Section 15. Mayor; Absence or Inability to Act. The mayor-councilman and town clerk shall each perform the duties of his office until his successor is duly elected and qualified. In the absence or disability to act of the mayor-councilman, the town council shall appoint a councilman to serve as mayor-councilman pro tem and to perform all the duties of the office including the judicial functions herein enumerated.

History: Amended by Ch. 65-1255, Laws of Florida.

Section 16. The mayor-councilman shall preside at all of the meetings of the town council and perform the usual duties of a presiding officer.

History: Amended by Ch. 65-1255, Laws of Florida.

Section 17. The Mayor—Executive and Judicial Powers; Appeal. The mayor shall have jurisdiction for the trial of all offenses against the town ordinances, and he shall see that all of

the ordinances are faithfully executed. He shall have power, by his warrant, to have brought before him any person or persons charged with the violation of any of the town ordinances, and to require the attendance of witnesses for the Town and for the accused; to administer oaths, and to take affidavits and inquire into the truth or falsity of all charges preferred; to decide upon the guilt or innocence of the accused; to place the penalty, and to enforce the same, in accordance with law; to pardon and release persons convicted by him in term time, or otherwise, by mandate in writing to the chief of police or any policeman; to have and exercise all the powers incident and usual to the due enforcement of his jurisdiction. Appeals from the judgment and sentence of the mayor shall be taken in the time and manner prescribed by law. He shall keep a record of his official acts, setting forth in substance the charges preferred against parties brought before him by warrants or otherwise, and the judgment rendered in each and every case, and he may require the town clerk to make and preserve such record by regular minutes when in his opinion the public good requires it. By and with the consent of the town council he may appoint and discharge special policemen and detectives for special purposes, when, in his opinion, the public good demands.

History: Ch. 24387, Art. IV, Section 1, Special Acts 1947.

Section 18. Same—Suspension of Town Officers and Employees. The mayor may recommend for suspension any officer or employee of the town, except town councilmen.

History: Ch. 24387, Art. IV, Section 2, Special Acts 1947.

Section 19. Chief of Police; Powers and Duties. The chief of police or policemen, shall

have the power or authority to immediately arrest, with or without warrant and take into custody, any person who shall commit, threaten or attempt to commit in his presence or within his view, or whom he has reasonable grounds to believe has committed an offense prohibited by the ordinances of the town, and shall without unnecessary delay, upon making such arrest, bring the offender before the mayor to be dealt with according to law. The chief of police's duties, in addition to those herein described, shall be such as may be prescribed by the ordinances of the town.

History: Ch. 24387, Art. IV, Section 3, Special Acts 1947.

Section 20. Creation of Offices; Tenure; Powers and Duties; Bonds. The town council shall have the power and is hereby authorized to create such offices, and to provide by ordinance or resolution for the appointment or election of such officers and employees as may in their judgment be necessary for the good government of the town. The town council shall have the power at any time to abolish any office created by it. All employees, officers and officials of the Town appointed by the town council shall hold such office during the pleasure of the town council at such salaries as may be fixed by it, and may be removed from office and discharged by the town council at any time with or without cause. The town council shall have power to prescribe the powers and duties of all officers and employees of the town, except those prescribed by this Act. Employees of the town may be required to give such bond as the town council may prescribe by ordinance or resolution and may be required to take oath to faithfully discharge their several duties.

History: Ch. 24387, Art. IV, Section 4, Special Acts 1947

ARTICLE V ORDINANCES

Section 21. Procedure for Adoption. The town council shall have the right to adopt such ordinances authorized by the powers granted under this Act as are deemed necessary or advisable for the government of said town. Every ordinance shall be three times read in the town council previous to its passage. It may be twice read, once by its title only and once in full at the meeting in which it is introduced, and the third time in full at the succeeding regular meeting when it is acted upon, provided by unanimous consent of all the members the said ordinance may be ordered to a third reading at the meeting of its introduction and to be put upon its final passage. Ordinances may be so passed at special meetings called for that purpose. An ordinance may be passed by the vote of a majority of the town council. All ordinances passed by the town council shall be promptly submitted to the mayor for his approval; if approved he shall sign the same and return to the town clerk. If the mayor disap-

proves such ordinances he shall return the same to the town council with his objections and to act upon the same, and if the town council shall pass it by a three-fifths vote, which vote shall be entered upon the minutes, the ordinance shall then become a law, the mayor's vote to the contrary notwithstanding, and if the mayor fails or refuses to return any ordinance to the clerk within ten days after he receives the same, said ordinance shall become a law without his approval. Every ordinance passed by the town council and approved by the mayor, or which shall become a law by being passed by a three-fifths vote of the town council over the vote of the mayor, or which shall become a law without his approval, shall be published once each week for four successive weeks in a newspaper printed within the town of Baldwin or posted in two public places in the town. The town council shall in each ordinance designate which method of publication shall be pursued, and no ordinance shall be in force as a law

until the expiration of thirty days from date of posting, or from date of first publication, provided that sanitary and police regulations may go into effect upon being posted for a period of three days in three public places in the town.

History: Ch. 24387, Art. V, Section 1, Special Acts 1947.

Section 22. Public Franchises. No public franchise of any description shall be granted except by an ordinance adopted by the town council at a regular meeting, and no such franchise shall be exclusive or shall be for a longer period than thirty years, and every such ordinance granting a franchise shall provide that the town shall have the right at and after the expiration of the grant to purchase the property of the grantee used under the grant,

as provided by the General Laws of Florida in effect at the time of the grantee's acceptance of such grant, including Section 167.22 of the Florida Statutes, 1951.

History: Ch. 24387, Art. V, Section 2, Special Acts 1947; Special Acts 1953, Ch. 28889, Section 1.

Section 23. Record of Ordinances. It shall be the duty of the town clerk to keep a record of all ordinances adopted by the town council in a permanent book kept for that purpose. A copy of any ordinance therefrom, certified to by the town clerk under the seal of said town, shall be taken and considered in all courts of this state as prima facie evidence that such ordinance was duly passed and posted or published as required by law.

History: Ch. 24387, Art. V, Section 3, Special Acts 1947.

ARTICLE VI

BONDS

Section 24. Purposes; Amount; Election. Whenever it shall be deemed advisable to issue negotiable bonds of the Town of Baldwin for any purpose or purposes hereinafter named, to-wit: for raising money to be used in purchasing, constructing, extending or improving water works, or electric light plants, or for constructing, purchasing or improving gas works, or other illuminating works, or for constructing, purchasing or improving ice plants, or other cold storage plants, or for the purpose of constructing, or extending, or improving a system of sewers, or otherwise promoting the health of the town; for the purpose of opening, widening or paving the streets and sidewalks of the town; and for opening, constructing and maintaining parks, promenades or playgrounds; for the purpose of establishing and maintaining a fire department in said town; for the purpose of erecting public buildings or other public improvements for the use of said town; and for any one or more of said purposes, and for any other purpose deemed necessary for the public good, the town council, in their corporate capacity, are hereby authorized to issue negotiable bonds of said Town, under the seal of the municipality, the total amount of such bonds to be issued and outstanding at any time never to exceed thirty per cent of the total assessed valuation of all taxable property, both real and personal, within the incorporate limits of said town, said assessed valuation being the assessment made by the corporate authorities of said Town of Baldwin for the purpose of municipal taxation, and the said limitation of thirty per cent shall be thus limited regardless of the valuation which may be placed upon the real and personal property in the Town of Baldwin by the state and county for the purpose of state and county taxation; provided, however, that no such negotiable bonds of said town shall ever be issued, until previously authorized by a majority vote of the qualified electors of said town who own at the time of

said election, and have owned for three months prior thereto, real estate therein and who have paid their town taxes for the year prior to that in which said election is held, at a regular or special election to be called and held for such purpose, after at least thirty days' notice, published in a newspaper of said town, and provided further that if the ordinance providing for the issuance of bonds provides for the issuing of bonds for one or more different distinct purposes, as enumerated in this Act, the issuance of bonds for each and all such purposes may be submitted to the electors on one and the same ballot, the ballot to be used at the election authorizing the issuance of bonds shall be such as to give the qualified voters an opportunity to vote for or against the issuance of bonds for each of the said purposes for which bonds are to be issued, and the failure of voters to authorize the issuance of bonds for any one or more purposes submitted at said election shall not defeat the authorization of bonds for one or more other purposes for which a majority of the votes cast at said election were in favor of the issuance of such bonds.

History: Ch. 24387, Art. VI, Section 1, Special Acts 1947.

Section 25. Execution; Denominations; Interest Rates; Payment Dates. Said bonds shall have the name of the Town of Baldwin attached thereto by the mayor and president of town council and attested by the town treasurer and under the seal of said town and said bonds may bear interest coupons to be signed with the facsimile signature of the president of town council and the town treasurer and shall be of denominations to be determined by the town council, bearing interest at a rate not exceeding six per cent per annum, payable either annually or semi-annually, and to be due not less than two years, nor more than fifty years from the date thereof, as said town council may determine.

History: Ch. 24387, Art. VI, Section 2, Special Acts 1947.

Section 26. Terms of Bonds Fixed by Ordinance. Prior to the issuance of any bonds the town council shall, by an ordinance, fix the aggregate amount of the proposed issue, the rate of interest, the purposes for which the moneys derived therefrom shall be expended, the time when said bonds shall be payable, and providing for and creating a sinking fund and interest assessment for meeting and discharging the principal and interest of said bonds.

History: Ch. 24387, Art. VI, Section 3, Special Acts 1947.

Section 27. Sale of Bonds; Bond of Town Treasurer. The town council shall prescribe the forms and denominations of said bonds; the bonds shall be sold by the town council at not less than ninety-five (95%) per cent on the dollar; the town treasurer shall not sign any such bonds until he shall have given a bond payable to the town, properly conditioned, with sufficient surety to be approved by the town council, and in such an amount as may be fixed by the town council, that he will faithfully perform his duties with respect thereto.

History: Ch. 24387, Art. VI, Section 4, Special Acts 1947.

Section 28. Self Interest in Contracts. No member of said town council or officer, agent or employee of the town shall be directly or indirectly interested in any contract, under the charge of the town council.

History: Ch. 24387, Art. VI, Section 5, Special Acts 1947.

Section 29. Bond Accounts. The town treasurer shall keep a separate account of each bond issued, showing the number and amount of bonds issued, the receipts therefrom, and the disbursements of the proceeds thereof.

History: Ch. 24387, Art. VI, Section 6, Special Acts 1947.

Section 30. Revenue Certificates; Purposes; Election; Amounts; Sale; Obligation Limited. The town council is hereby authorized to issue revenue certificates for the purpose of providing, by purchase or otherwise, a municipal electric light and power plant, waterworks, and dis-

tribution system, for the purpose of generating electric power, and providing the electric lights and water for its own use or for sale to individuals, firms, or corporations within or without the corporate limits of said town.

By and through said revenue certificates the town council may pledge and encumber the entire net income of said proposed electric light and power plant and distribution system, and may provide the way and manner in which said plant shall be operated. Said revenue certificates when issued and sold shall constitute a prior, first and closed lien on the entire net income from said plant until said certificates are paid off in full.

Provided that no revenue certificates shall be issued hereunder until the issuance of same have been authorized by a majority vote of the qualified electors of said town, who are freeholders, in an election called and held for that purpose, as provided in this charter for holding of bond elections. Said revenue certificates shall be issued and executed as provided herein for the issuance and execution of general obligation bonds.

Said revenue certificates shall be issued and executed in the same manner as provided in this charter for the issuance and execution of general obligation bonds, and may be issued without regard to any limitations of the amount of general obligation bonds which may be issued by the Town of Baldwin, as provided by this charter or any other statute.

Such revenue certificates shall be sold for at least ninety-five (95%) per cent of par value and shall bear interest not to exceed six (6%) per cent per annum.

Provided that said revenue certificates shall not impose any tax liability upon any real estate or personal property within such municipality, nor constitute a debt against such municipality, but shall be secured solely by a first, prior and closed lien against the net revenue derived from the operation of said plant.

History: Ch. 24387, Art. VI, Section 7, Special Acts 1947.

ARTICLE VII

TAXATION AND REVENUE

Section 31. Levy of Taxes. That all property, real and personal, within the Town of Baldwin shall be taxable by the town for municipal purposes, but the levy for general operating purposes shall not exceed twenty (20) mills of the assessed valuation. Providing that a sufficient levy shall be made to pay interest and provide the necessary sinking fund to retire all outstanding bonds of the town without regard to limitation, that is the twenty (20) mill limitation above mentioned shall not apply to any levy made for interest and sinking fund on bonded indebtedness.

History: Ch. 24387, Art. VII, Section 1, Special Acts 1947.

Section 32. Licenses. Town licenses shall issue, be transferred and expire as may be pro-

vided by ordinance, and penalties may be indicated for carrying on any business, profession or occupation for which the said license is required, without first obtaining such license. A license placed on dogs kept within the town may be imposed, and dogs on which the required license tax shall not be paid may be killed under such circumstances as the ordinance may provide.

History: Ch. 24387, Art. VII, Section 2, Special Acts 1947.

Section 33. Assessment of Taxes — Returns; Irregularities; Personal Property. The town tax assessor, between the first day of April, and the 15th day of July, in each year, shall ascertain to the best of his ability all the taxable property within the town, and the respective

values, and as far as practicable the owners thereof, and shall list the same on an assessment roll. All persons, corporations and firms owning real or personal property, taxable by the town, are hereby required to make return of the same to the assessor before the first day of April in each year. The returns shall be made, if the town shall require by ordinance, on blanks prepared and furnished, on application to the town, and shall contain a complete list and description of all the taxable property belonging to such person, corporation or firm on the first day of January in the year for which the return is made, together with the full cash value of each item thereof, including the full cash value of each piece of real estate. The assessor may consider the description and valuations thus returned, but shall not be bound by them in making the assessment. In any case where a return shall not be made, the assessor shall assess the property in the name of the owner or reputed owner, or as belonging to an unknown owner, and in no case shall any assessment be declared invalid or not lawfully made, nor shall enforced payment of the taxes levied thereon be resisted by reason of the property having been assessed otherwise than in the name of the owner. Real estate may be designated by lots and blocks, if so platted, or by section, township and range, or in parts or fractions of either, or by metes and bounds or courses and distances, but no assessment shall be held invalid for want of sufficient description, if the description is such that the real estate can be located thereby. Contiguous lots or tracts belonging to the same owner may be assessed together in the discretion of the assessor. The assessment of personal property shall be separate from that of the real estate, and the words, "personal property" shall in such cases be sufficient description of personal property for the purposes of the town taxation, and personal property assessed need not be otherwise specified or designated on the assessment roll.

History: Ch. 24387, Art. VII, Section 3, Special Acts 1947.

Section 34. Same—Omissions. If the town assessor shall discover that any real estate was omitted from the assessment roll of any or all of preceding years, or that the taxes or any real estate for any or all of such years have been declared invalid, he shall assess the same for such year or years for which real estate escaped taxation, making the assessment on the roll for the current year, and giving the year or years for which such assessment is made, and such assessment shall have all the force and effect that it could have had if in such previous year or years, and the taxes thereon shall be levied and collected in like manner as the taxes for the current year.

History: Ch. 24387, Art. VII, Section 4, Special Acts 1947.

Section 35. When Assessment Roll to be Completed; Equalization by Council; Notice of Meetings; Petitions of Taxpayers; Hearings.

The town assessor shall complete the assessment roll on or before the 15th day of July in each year, or as soon thereafter as practicable, and shall submit it to the town council at its first regular meeting in August, or as soon thereafter as practicable, at either a regular or special meeting for the purpose of reviewing, correcting and equalizing said assessment, and of hearing and determining petitions relating thereto, which meeting may be continued from day to day, or be adjourned to other specified day or days, so long as may be necessary for the complete equalization and correction of the assessment roll. If, for any reason, a quorum of the town council should not attend such meeting, or any of its adjournments, the town clerk shall proclaim such meeting adjourned until some other hour of the same day, or to another day not more than five days distant, and shall enter the fact of the adjournment on the minute book of the council. The town clerk shall thus adjourn the meeting as often as may be necessary until a quorum shall appear. The president of the town council, or the town clerk, by publication at least once in a newspaper published in the County of Duval, or by posting in three public places in the Town of Baldwin, or both, shall give at least ten days' previous notice of the day, hour and place of the meeting for equalization, and correction, and call upon all persons to file with the town clerk, before such meeting their written petitions to the town clerk, setting forth any objections they may have to the assessment roll, and the corrections they desire made, and during the time or the rendering of the notice the public shall have access to the assessment roll at the town hall each day, Sundays excepted, from nine o'clock in the morning until 4 o'clock in the afternoon, except between noon and two o'clock p.m., for the purpose of examining the same, and of preparing their objections, but any failure to give such access during all the prescribed hours shall not invalidate the proceedings, if there shall be on each day a substantial opportunity to have access to the assessment roll aforesaid, between the hours limited for that purpose in this section. The council shall have power to ordain that all such petitions shall be made on blank forms, prepared by the Town and furnished by it on application, and to make all reasonable rules and regulations in reference to the said petitions. The town clerk shall deliver all the petitions filed within the prescribed time to the town council at such meeting, and the town council shall give opportunity to the petitioners to be heard in person, or by attorney, in open session by written or oral argument, or both, and on such evidence as they may present to sustain their petitions; that the council may by resolution regulate the order of hearing and limit the time to be given to each petitioner. The council shall make such changes and corrections in the assessment roll as may be necessary for a proper assessment, and for the just and legal equalization thereof.

History: Ch. 24387, Art. VII, Section 5, Special Acts 1947.

Section 36. Increase of Valuations; Notice; Hearing. If it shall seem to the council that any valuation on the assessment roll should be increased or that any other correction of the said roll should be made, except by reduction of valuations, or increased after a petition presented as aforesaid, the council shall give the owner of the property affected, if known, notice of the proposed increase or correction, at least ten days previous to a regular or special meeting at which he may be heard. Such notice shall be by publication at least once in some newspaper published in the County of Duval, and shall contain the name of the owner, if known, and a brief description of the property, and the proposed action of the council as to increase of valuation as corrected, and shall name the time when a hearing can be had before the Council. If the owner is unknown, the owner shall be given in the notice as unknown. The council may direct either by resolution or by ordinance that notice be also sent through the mail, or delivered personally to the owner or his agent, or attorney, but it shall rest in the discretion of the council so to direct. All the provisions of section 5[35] relating to the continuance and adjournments of the meeting and the regulation of the hearing, shall apply to the meeting, and the hearing provided for in this section. Final action on the proposed increased valuations, and corrections, shall be taken at such meeting, or some adjournment thereof, and as soon as practicable all changes made by the council shall be entered by the assessor on the assessment roll.

History: Ch. 24387, Art. VII, Section 6, Special Acts 1947.

Section 37. Annual Levy. As soon as practicable after the review and equalization of the assessment roll, the council shall ascertain and determine the amount and fix the rate of taxation, and make the annual levies for the current year.

History: Ch. 24387, Art. VII, Section 7, Special Acts 1947.

Section 38. Recapitulation and Certification of Tax Roll; Form of Certificate and Warrant to Tax Collector. The assessor shall calculate and carry out on the assessment roll the several levies in separate columns prepared for that purpose, and rejecting fractions of a cent in making the calculations. He shall make in the assessment roll such recapitulations as may be necessary to show clearly and concisely the total of real and personal assessment, and of the several tax levies made. He shall make a copy of the roll when completed, with the levies extended thereon, and as soon as practicable shall present the original and the copy to the council, who shall examine them, and if found correct shall so certify on the original and on the copy, which certificate shall be signed by at least a majority of the members of the town council. The assessor shall make on the original and on the copy his certificate, substantially as follows:

"I, _____, Tax Assessor of the

Town of Baldwin, do hereby certify that the foregoing is the assessment roll of the taxable property within said Town, and that it contains a true statement and description of all property within said Town, subject to taxation by said Town, or liable to be assessed therein; that the listing and valuations therein show correctly and accurately the listing and valuations as corrected, accepted and adopted by the Town Council, and that all requirements of the law and ordinances regulating the making of the assessment roll have been complied with.

Dated _____
Tax Assessor of the Town of Baldwin"

and thereupon he shall attach to the original a warrant in substantially the following form:

"To _____, Tax Collector of the Town of Baldwin: You are hereby commanded to collect out of the property and from each of the persons, corporations and firms named in the annexed assessment roll, the taxes set down therein, opposite each name or parcel of land, or property therein designated, and in case the taxes so imposed are not paid at the time prescribed by law, you are to collect the same, or cause the same to be collected in the manner provided by law, and all money collected you are to account for to the Town Treasurer, and you are further required to make all collections, reports and statements as required by law and ordinances.

Given under my hand, this _____ day of _____,
A. D. _____

Tax Assessor of the Town of Baldwin"

A failure to make the assessor's certificate aforesaid shall not invalidate the proceedings, nor shall the failure to attach the warrant aforesaid, invalidate the proceedings, provided the said original assessment roll was actually delivered to the tax collector, and such delivery to him shall be his sufficient warrant.

History: Ch. 24387, Art. VII, Section 8, Special Acts 1947.

Section 39. When Taxes Due; Discounts for Early Payment. All taxes on the assessment roll shall be due and payable on the first day of November in each year, or as soon thereafter as the assessment roll shall come into the hands of the tax collector, of which he shall give notice by publication at least once in some newspaper published in Duval County. The collection of all such taxes remaining due and unpaid on the first day of April thereafter, or until council shall by resolution designate, shall be enforced in the manner hereinafter provided, and interest at the rate of 12 per cent per annum from the first day of April, or the date on which council shall by resolution extend said time, shall be added thereto and collected as a part of the tax. The town collector of taxes is authorized to give a discount of four per cent on any taxes paid for the current year during the month of November, and three per cent on any taxes paid for the current year

during the month of December, and two per cent on any taxes paid for the current year during the month of January, and one per cent on any taxes for the current year during the month of February, but no other discounts shall be made.

History: Ch. 24387, Art. VII, Section 9, Special Acts 1947.

Section 40. Lien of Taxes. All taxes on real and personal property shall be a lien superior to all other, and shall relate back to the first day of April of the year for which they are assessed and levied. The taxes on real property shall be and remain a lien thereon until paid, and the said lien or any proceedings to enforce it and to collect the taxes on real property shall not be barred by any statute of limitations now existing, nor shall the said lien or the said proceedings to be held be barred by any statute of limitations hereinafter enacted, which does not in terms refer to the lien of the taxes of the Town of Baldwin, and the proceedings to enforce it, and to collect the taxes; and the said lien shall not be divested by any state and county tax sale, nor by any deed based on such tax sale.

History: Ch. 24387, Art. VII, Section 10, Special Acts 1947.

Section 41. Personal Property Delinquent Taxes; Distress Warrants, Removal of Property; Collection by Sheriff. The tax collector shall have power at any time after the first day of April in each year to issue distress warrants, and alias and pluries distress warrants in the name of the said town to enforce the collection of taxes on personal property and privileges, which warrants may be directed to and executed by the chief of police, or by any sheriff, deputy sheriff or constable of the county. The tax collector shall give at least two weeks notice of any sale under such warrants, stating the time and place of sale, by posting in three public places in the town, or by two insertions once each week in some newspaper published in the County of Duval. Such property may be sold at the door of the town hall, or at the place where it is located in the discretion of the tax collector.

When any personal property on which taxes are due, whether before the term for payment has expired or not, is removed, from the town or from the county, so that there is a possibility that such taxes may be lost, the tax collector may by his warrant address the sheriff of the county or of any other county to which the said property may have been taken, and describing the property and giving the name of the owner if known, and the amount of the tax due, authorize such sheriff to levy upon and sell such property, and to collect the taxes due, and pay the same over to the tax collector; and in such cases the sheriff shall receive the same fees as in case of levy under an execution which shall be charged as costs against such property. The sale may be had either at the door of the courthouse (or at the place where the property is located, in the discretion of the sheriff), and

notice of the sale shall be given for two weeks, once each week in some newspaper published in the county in which the property may be levied on.

History: Ch. 24387, Art. VII, Section 11, Special Acts 1947.

Section 42. Delinquent Taxes; Procedure for Collection. If the taxes on any real estate shall not be paid before the first day of April, next after the roll shall have come into the hands of the tax collector, he may at any time thereafter make from the roll a copy of any assessment and tax thereon remaining unpaid, showing the assessment of any lot, parcel or tract of real estate, as the same appears upon the roll, and shall deliver the same to the town attorney of the Town of Baldwin for collection; which certified copy shall be prima facie evidence of the contents of the assessment roll, and of the levies made thereon, and of the regularity and validity of all the proceedings on which the same is based in all suits to enforce the payment of the lien of such taxes as may appear upon the said certified copy, and the tax collector shall upon the request of the town attorney make out and deliver to him a certified copy of any such assessment or assessments remaining unpaid, on and after the 31st day of December in any year. The town council may also direct the tax collector at any time after the first day of April in each year, either by resolution or by ordinance to make out and deliver to the town attorney such copy or copies, and may also in like manner direct the town attorney to proceed upon the same to enforce the payment of the tax or taxes. The tax collector upon delivering any such copy to the town attorney shall enter upon the assessment on the roll that it has been certified to the town attorney, with the date of delivery and thereafter the collection of such tax shall be made by the town attorney, and not by the tax collector. The town attorney upon receiving any such certified copy, as aforesaid, may and when directed by the town council shall bring in the Circuit Court for Duval County, a bill in chancery to foreclose the lien of the taxes so shown to be due and unpaid which bill shall allege the town's claim of lien against the real estate described, and shall be brought in the name of the Town of Baldwin, as complainant, against the person named as owner of the real estate on said certified copy, if any person be named as owner, and such other persons as the town attorney may know or have satisfactory reason to believe to be owners of, or interested in, such real estate, or to have any right thereof, or lien thereon, except as tenants. The town attorney for the purpose of making defendants need not inquire who are the occupants of such real estate or make search in the records of the county. If such real estate be assessed to an unknown owner the town attorney may bring the bill against the real estate itself as defendant.

Upon application of the town attorney the clerk of the circuit court shall make an order

of publication of notice to all persons having any interest or right, whether as owners, lien holders, or otherwise, in such real estate, which notice shall be addressed "To All Whom It May Concern" requiring them on or before a rule day to be fixed by said order to appear and answer such bill, and set forth the nature of their respective interests in, rights to, and liens upon said real estate; which order shall be entitled with the name of the parties named in the bill, and shall contain a description of the real estate, and shall be published in a newspaper published in the County of Duval once a week for four consecutive weeks prior to the sale day fixed in such order and in that suit, in which such order and publication shall be made the interest, rights and liens of all persons in and upon such real estate, whether such persons be named as defendants in the bill or not, shall be foreclosed, and their respective interests, rights and liens shall by the proceedings affected thereby to the same extent as though they were named and duly served and had appeared as parties defendant in such suit, but should such suit be prosecuted to a conclusion without the publication of such notice the interests, rights and liens of those persons only who are named as defendants and duly served shall be foreclosed. Such order and publication shall not avoid the necessity of service of a subpoena upon all parties named as defendants who are to be found within the jurisdiction of the court, and service upon absent defendants named in the bill shall be by publication as in other chancery cases.

If the real estate itself shall be made the defendant the service shall be made by making and publication of the order "To Whom It May Concern" herein provided, and the bill may be taken as confessed on any rule day after that, to which the persons interested are by such order required to appear and answer if no plea, demurrer or answer has been filed.

The town attorney shall foreclose any bill on the tax certificates and unpaid taxes certified to him, which he holds against a piece of real estate at the time of bringing a bill. And if, any unpaid assessments are certified to him after bringing the bill he need not include the same in such suit by supplemental bill or otherwise, and no sale had in the cause shall divest the lien of any taxes except those sought to be foreclosed by the bill.

The town attorney need not attach as exhibits to the bill either the originals or copies of any certified copies of unpaid assessments or of tax certificates which he seeks to foreclose by the bill, except as herein otherwise provided. The suits aforesaid shall be continued agreeable to the practice of the circuit court in other chancery suits to foreclose liens. A deed given to the purchaser at the sale in any such suit shall be an entire bar against the defendants and all persons claiming under such defendants, and if the order of publication addressed "To Whom It May Concern" has been made, and published, as hereinbefore provided

(including the cases in which the real estate itself is defendant), in any suit, the deed shall be an absolute bar against all persons, unless the court proceedings are void for want of jurisdiction.

History: Ch. 24387, Art. VII, Section 12, Special Acts 1947.

Section 43. Errors or Irregularities Not to Invalidate Assessment. No assessment and no assessment roll under this Act shall be set aside, or in anywise invalidated by any court, if any error, defect, informality or omission which shall not amount to a want of due process of law under the Constitution of this State, or the Constitution of the United States nor shall any assessment or any assessment roll be set aside, or in anywise invalidated for any error, defect, informality or omission whatever existing prior to the expiration of the right of petition, if the owner or party interested shall have failed to petition the town council, as hereinbefore provided.

No miscalculation of any tax upon the roll shall invalidate the tax, but if the amount extended on the roll be less than the true amount the town shall collect only the amount extended, with costs, but if the amount be greater the town shall recover only the true amount and shall also recover costs, unless tender shall have been made to it of the true amount.

History: Ch. 24387, Art. VII, Section 13, Special Acts 1947.

Section 44. Attorneys Fees. The town attorney shall be entitled to five per cent of all taxes collected by him without suit, which shall be added to the amount of the tax, and all suits to foreclose the payment of taxes wherein the town shall prevail he shall be entitled to a reasonable attorney's fee to be taxed as part of the costs, which allowances to the town attorney shall be regarded as further penalties for the nonpayment of the taxes within the time prescribed by law.

History: Ch. 24387, Art. VII, Section 14, Special Acts 1947.

Section 45. Cost of Proceedings. Upon a collection of the moneys due the town, payment shall be made first, of all costs of the proceedings.

History: Ch. 24387, Art. VII, Section 15, Special Acts 1947.

Section 46. Incapacity of Town Officers to Act. If any tax assessor, tax collector, policeman or town attorney of the said town shall be for any reason disqualified or incapacitated from performing any of the duties imposed upon him by this Act, the town council may appoint some other person to act for such officer so disqualified or incapacitated, and such officer shall have for the time being all the powers conferred upon such officer, and shall in like manner be subject to the duties imposed upon him by this Act.

History: Ch. 24387, Art. VII, Section 18, Special Acts 1947.

Section 47. Reporting and Accounting. The Town Council shall have full power and authority to direct and regulate by ordinance, the method of reporting and accounting by the offi-

cers of the town, who may under this Act be empowered to collect the revenue of the town, or any part thereof.

History: Ch. 24387, Art. VII, Section 19, Special Acts 1947.

Section 48. Prior Assessments. Nothing in this Act contained, shall impair the validity of any assessment of taxes by the town prior to the taking effect of the same.

History: Ch. 24387, Art. VII, Section 20, Special Acts 1947.

Section 49. Collection of Taxes Under General Law; Validity of Tax Deeds and Certificates. That in addition to the remedies for the collection of delinquent taxes provided in this Article, the Town of Baldwin may also proceed to collect delinquent taxes in the manner and form substantially as provided by the general law of Florida for the collection of delinquent state and county taxes. Whenever the Town of Baldwin desires to enforce the collection of delinquent taxes, as provided by the general law of Florida, the town council shall by resolution instruct the town tax collector to proceed in conformity as nearly as possible with the method and forms prescribed for the collection of

delinquent taxes, in Title VI, of Taxation and Finance [chapters 192-195, Florida Statutes] and in Title X, of Cities, Towns and Provisional Municipalities [chapters 161-186, Florida Statutes], of Division 1 of the Compiled General Laws of Florida, of 1927, Annotated, and the amendments thereto.

All General tax laws of the State of Florida, insofar as they are appropriate and applicable and not in conflict herewith are hereby specially adopted by the Town of Baldwin for its municipal purposes.

Each tax certificate and each tax deed issued by the town tax collector or by the clerk of the circuit court, respectively, when duly executed as required by law, shall be prima facie evidence of the truth of its recitals and of the proper performance of all conditions and requirements of law in all courts of this state. It shall not be necessary to report to or file with the treasurer or the comptroller of the State of Florida any matter or fact arising out of any sales for the collection of delinquent town taxes.

History: Ch. 24387, Art. VII, Section 21, Special Acts 1947.

ARTICLE VIII

PUBLIC LANDS, STREETS AND SIDEWALKS

Section 50. Unsafe or Unsanitary Lands; Procedure for Correction of Condition. Whenever the Town of Baldwin finds it necessary in the interest of the general health of the public welfare that any lot or tract of ground within the town limits be made safe or sanitary, the town council shall by resolution declare the work necessary to be done and the time within which such work must be performed and shall cause a copy of such resolution to be served upon the owner or occupant or agent of such land, if such person can be found within the town limits; otherwise, by posting a copy of such resolution conspicuously on a stake or post implanted in the land. If the work required be not thereafter performed within the time prescribed, then the town council may proceed to do the work itself or to cause the work to be done and to charge the cost thereof as a special tax against the lot or land upon which the work has been done. This special tax shall be entered as such upon the general tax book and collected at the same time in the same manner as the general tax levied and assessed against said land.

History: Ch. 24387, Art. VII, Section 22, Special Acts 1947.

Section 51. Municipal Improvements; Certificates of Indebtedness. It shall be lawful for the town council of the Town of Baldwin to issue certificate of indebtedness for authorized municipal improvements. Said certificates shall be payable in not less than one year nor more than ten years after date, as council shall determine, with interest to be fixed by council not to exceed eight per cent (8%) per annum.

All certificates of indebtedness heretofore issued by the Town of Baldwin for municipal improvements are hereby validated and confirmed, and no question of the legality of same shall ever be raised in any court of this state.

History: Ch. 24387, Art. VII, Section 23, Special Acts 1947.

Section 52. Authority of Town Council. The town council shall have complete control and supervision of all streets, roads and alleys within the corporate limits of the town, and shall by ordinance prescribe the method and manner of keeping up and working the same not to be inconsistent with the laws of the State of Florida.

History: Ch. 24387, Art. IX, Section 1, Special Acts 1947.

Section 53. Construction or Repair; Procedure; Special Assessments. Whenever the town council of the Town of Baldwin shall decide to open, establish, abolish, alter, extend, widen, grade, pave, repair or otherwise improve any street, avenue, alley or other public way, or thoroughfare, or to build, construct, repair or improve any curb or gutter, or to build, construct, repair or improve any sewer or drain within said town, said town council shall pass and adopt a resolution therefor, which said resolution shall state in a general way the limits within which said work is to be done, the materials to be used, and the width of paving if a street, public way, or thoroughfare, is to be paved. Thereupon said town council shall cause the said work to be done by contract or otherwise, and said town may in its discretion enter into separate contracts for any grading,

curbing or paving, or for any portion of either, or the said town council may in its discretion perform all or any portion of any public work under its own supervision, under a foreman or such agency, employing such labor as may be necessary, and not let the same under contract as may in its opinion, best serve the interests of the public. When such work has been completed the said town council may pay the expense of the same out of any funds belonging to the town, or it may pay for the same with certificates of indebtedness, authorized by Chapter 6864 of the Laws of Florida, approved June 4, 1915, [sections 169.09, 169.12—169.14, Florida Statutes], or as provided by this Charter. The town council may assess the expense of such work on the property benefited by the improvement or upon the abutting property in proportion to the frontage, or the town council may pay any portion of the expense thereof, from any funds belonging to the town, and assess the remainder of such expense against the property benefited thereby, or against the abutting property in proportion to the frontage. After the completion of said work, said town council shall adopt a resolution assessing the expenses of said work, or such portion thereof as it may determine against the property benefited thereby, or against the abutting property in proportion to the frontage, and thereupon said town council shall cause to be published, a notice of the completion of said work, which notice shall contain a statement of the total cost of the work, and the amount assessed against each lot, parcel or tract of land, but in such notice the name of the owner or owners, or other persons or corporations interested in said lands need not appear, but only a sufficient description of the lot, parcel or tract of land to make it capable of identification shall be necessary. And the said notice shall fix a time not less than fifteen days from the first publication or posting of said notice, when the town council will hear complaints of the owner or owners, or other persons or corporations interested in said land, against the amount or justice of the said assessment. The said notice shall be published once each week for two weeks in a newspaper published in said town when the said notice shall be posted at the door of the town hall. The owner or owners, or any person or corporation interested in any land or lands against which such assessment is made, may appear before the town council at the time named in said notice and present any complaint which he, she or it may have against the said assessment; and the town council shall have power, if they deem it just or right, to decrease the amount of such assessment, but no assessment shall be increased against any land after assessment has once been made. Any person or corporation owning or interested in any land against which any such assessment has been made, who shall fail to make complaint to the town council at the time named in the aforesaid notice, shall be deemed and held to have consented to the assessment; and any such per-

son, persons or corporation owning or interested in any land against which such assessment is made, who presents his, her or its complaint at said meeting against the said assessment, and is dissatisfied with the action of the town council at said meeting, may, within thirty days apply to any court of competent jurisdiction for an injunction against the collection or enforcement of the said assessment; and unless such application for such injunction is made within said time such person, persons, or corporation shall not thereafter be heard in any proceeding in any court, either at law or in equity, as plaintiff or defendant, to question or contest the legality of such assessment.

Such assessment shall constitute and be a lien against the land against which the same is made, from the date of the meeting of the town council held to hear complaints against said assessment, which lien shall be prior and superior in dignity to all other liens thereto, except liens for taxes; and the amount of such assessment shall bear interest from date of making of such assessment at a rate to be fixed by the town council, which shall not exceed twelve per centum per annum.

The said town council shall cause to be prepared and kept by the town clerk a "Town Improvement Lien Book," in which shall be entered the date of the making of each assessment, the amount of the assessment against each lot, parcel or other tract of land, the general purposes for which the assessment was made, and such other information as may be deemed advisable by the town council. The entry of the same in said "Town Improvement Lien Book," shall be and constitute a notice to the public of said lien against said lands, and no other record or notice thereof shall be necessary to any person or corporation.

The owner, owners or any other person or corporation interested in any land against which such assessment is made, may pay the said lien and have the same satisfied by the clerk at any time prior to suit thereof, by paying the amount of such assessment and the interest thereon to the date of such payment.

The town council may at any time, after such assessments are made, issue and dispose of certificates of indebtedness, upon the said assessments under the provisions of Chapter 6864 of the Laws of Florida, approved June 4, 1915. [sections 169.09, 169.12—169.14, Florida Statutes]

Said assessment may be made due and payable in such installments and at such times as the town council may by resolution prescribe.

Any lien provided for in this section may be enforced and collected by suit at law or in equity, and in any suit by the town, either at law or in equity for the collection of the amount of such lien, the town shall be entitled to recover a reasonable attorney's fee, not exceeding twenty-five dollars for the institution of suit and the sum of ten per centum of the amount of the recovery, together with the costs of the proceedings, which attorney's fees and

costs shall also become a lien upon said lands.

History: Ch. 24387, Art. IX, Section 2, Special Acts 1947.

Section 54. Improper Drainage and Street Grades; Procedure for Correction. If at any time the town council shall deem it necessary or expedient for the preservation of the public health or for any other good reason, that any lot, parcel or tract of vacant land then lying and being within said Town, which may be lower than any street, streets, avenue or public way adjoining the same, or the grade established therefor, or which may be subject to overflow by the accumulation of water thereon, should be filled in or ditched or drained, or when any lot, parcel or tract of land occupied or vacant shall have an excess growth of weeds or other noxious plants, the town council shall have power to direct and require the owner or owners of said lot, parcel or tract of vacant land to fill in the same to such grade, or to ditch or drain the same, or remove all excess growth of weeds and noxious plants, in such manner as the town council shall direct. Such notice shall be given by resolution of the town council, a copy of which shall be served upon the owner or owners of such lot, parcel or tract of vacant land, or upon the agent of such owner, or if the owner is a nonresident or cannot be found within the town and has no known agent within the town, a copy of such resolution shall be published once each week for two weeks in some newspaper published in the County of Duval, and a copy thereof posted upon such lot, parcel or tract of vacant land; or if no newspaper is published in the town, posting upon such lot, parcel or tract of vacant land shall be deemed sufficient. If the owner or owners shall not, within such time as such resolution shall prescribe, remove the growth of weeds or other noxious plants, and/or fill in, ditch or drain the lot, parcel or tract of vacant land as therein directed it shall be lawful for the town council to cause the same to be done, and to pay therefor and to charge, assess and collect the expenses thereof against the owner or owners thereof. All the provisions of section 2 [53] of this Article relative to the making of the town assessment and proceedings subsequent thereto, notice to hear complaints and action thereon, and the effect thereof, decrease of amount of assessment, contesting the legality of assessment, acquisition by the town of lien and effect thereof, rate of interest, entry in "Town Improvement Lien Book," effect of such interest, payment of lien, issuance of certificates of indebtedness, the enforcement and collection of the lien and attorney's fees, shall be applicable to and may be followed in making and enforcing the assessments authorized by this section.

History: Ch. 24387, Art. IX, Section 3, Special Acts 1947.

Section 55. Construction or Repair of Sidewalks; Procedure. The town council may adopt a resolution directing and requiring the owner of any lot, parcel or tract of land fronting or abutting on any street, avenue, alley or other

public way, to construct, build or repair a sidewalk, foot pavement, curb or gutter on either one or more of said improvements thereon, to be built in front of such abutting property, and upon a grade, and of such material, width, and other dimensions and in such manner as the town council shall direct. The said resolution shall fix a time within which the said work shall be done by the owner and a copy of said resolution shall be served upon such owner, or upon the agent of such owner, or if the owner is a nonresident of said town, or cannot be found within the town, and has no known agent in the town, a copy of said resolution shall be published once a week for two weeks in some newspaper published in Duval County, and a copy thereof posted upon said lot, parcel or tract of land, such posting upon said lot, parcel or tract of land shall be deemed sufficient. If the owner or owners shall not within the time fixed in said resolution build, construct or repair such sidewalk or foot pavement, curb or gutter or either one or more of said improvements in the manner and as directed in said resolution, the town council may cause the same to be done and pay therefor and charge, assess and collect the expense thereof against such lot, parcel or tract of land and against the owner or owners thereof. All the provisions of section 2 [53] of this Article relative to the making of the said assessment, and proceedings subsequent thereto, notice to hear complaints and action thereon, and the effect thereof, decrease of amount of assessment, contesting legality of assessment, acquisition by the town of lien and effect thereof, rate of interest, entry in "Town Improvement Lien Book," effect of such entry, payment of lien, issuance of certificates of indebtedness, the enforcement and collection of the lien and Attorney's fees, shall be applicable to and may be followed in making and enforcing the assessments authorized by this section; all of the acts and doings of the town council of the Town of Baldwin, and resolutions, notices and services of such notices, and all and everything heretofore done by the town council of the Town of Baldwin pertaining to the construction, building or repairing of sidewalks, foot pavements, curbs and gutters are hereby ratified and confirmed, and all of the provisions of section 2 [53] of this article relative to the making of the said assessment and proceedings subsequent thereto, notice to hear complaints and action thereon, and the effect thereof, decrease of amount of assessment, contesting legality of assessment, acquisition by the town of lien and effect thereof, rate of interest, entry in "Town Improvement Lien Book," effect of said entry, payment of lien, issuance of certificates of indebtedness, the enforcement and collection of the lien and attorney's fees, shall be applicable to and may be followed in carrying on and concluding any or all of such work, heretofore begun and not now completed.

History: Ch. 24387, Art. IX, Section 4, Special Acts 1947.

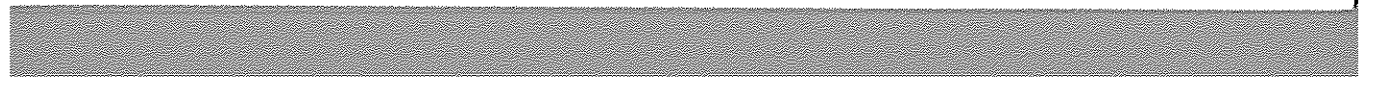
ARTICLE IX
APPLICATION OF GENERAL LAWS

Section 56. General Laws to Apply. All laws now in force for the government of cities and towns, except insofar as they conflict with the

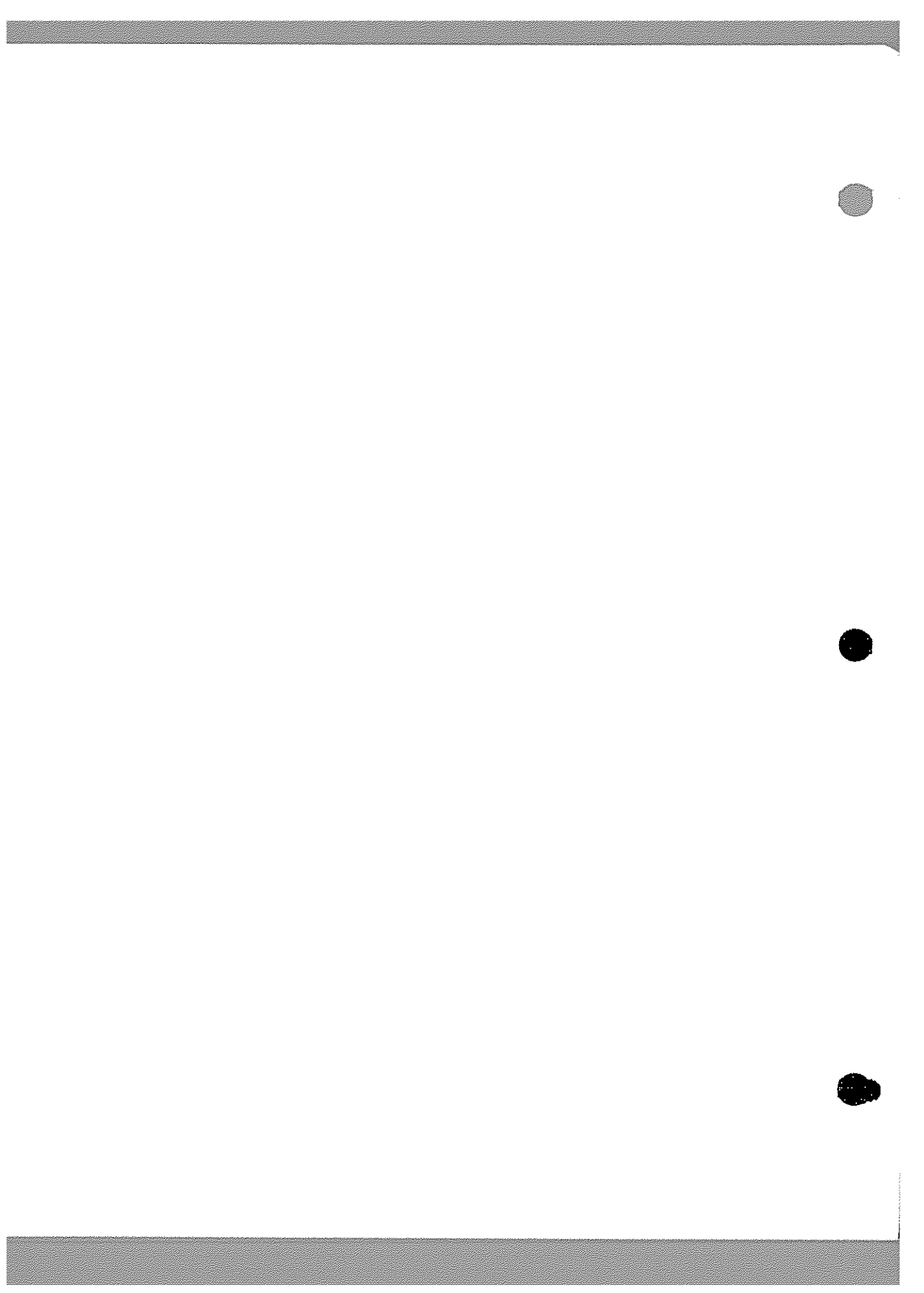
provisions of this Act, shall apply to the said Town of Baldwin, and the officers thereof.

History: Ch. 24387, Art. X, Section 1, Special Acts 1947.

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BALDWIN



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PORTION OF THE
CONSTITUTION OF THE STATE OF FLORIDA 1885

The Jacksonville Amendment, Article VIII, Section 9 of the Constitution of 1885 added by Senate Joint Resolution 113, of 1933 and adopted in 1934.

Section 9. Legislative power over city of Jacksonville and Duval County. The Legislature shall have the power to establish, alter or abolish, a Municipal corporation to be known as the City of Jacksonville, extending territorially throughout the present limits of Duval County, in the place of any or all county, district, municipal and local governments, boards, bodies and officers, constitutional or statutory, legislative, executive, judicial, or administrative, and shall prescribe the jurisdiction, powers, duties and functions of such municipal corporation, its legislative, executive, judicial and administrative departments and its boards, bodies and officers; to divide the territory included in such municipality into subordinate districts, and to prescribe a just and reasonable system of taxation for such municipality and districts; and to fix the liability of such municipality and districts. Bonded and other indebtedness, existing at the time of the establishment of such municipality, shall be enforceable only against property theretofore taxable therefor. The Legislature shall, from time to time, determine what portion of said municipality is a rural area, and a homestead in such rural area shall not be limited as if in a city or town. Such municipality may exercise all the powers of a municipal corporation and shall also be recognized as one of the legal political divisions of the State with the duties and obligations of a county and shall be entitled to all

the powers, rights and privileges, including representation in the State Legislature, which would accrue to it if it were a county. All property of Duval County and of the municipalities in said county shall vest in such municipal corporation when established as herein provided. The offices of Clerk of the Circuit Court and Sheriff shall not be abolished but the Legislature may prescribe the time when, and the method by which, such offices shall be filled and the compensation to be paid to such officers and may vest in them additional powers and duties. No county office shall be abolished or consolidated with another office without making provision for the performance of all State duties now or hereafter prescribed by law to be performed by such county officer. Nothing contained herein shall affect Section 20 of Article III of the Constitution of the State of Florida, except as to such provisions therein as relate to regulating the jurisdiction and duties of any class of officers, to summoning and inpanelling grand and petit jurors, to assessing and collecting taxes for county purposes and to regulating the fees and compensation of county officers. No law authorizing the establishing or abolishing of such Municipal corporation pursuant to this Section, shall become operative or effective until approved by a majority of the qualified electors participating in an election held in said County, but so long as such Municipal corporation exists under this Section the Legislature may amend or extend the law authorizing the same without referendum to the qualified voters unless the Legislative act providing for such amendment or extension shall provide for such referendum.

History: Added, S.J.R. 113, 1933; adopted 1934.

From The
1968
CONSTITUTION OF THE STATE
OF FLORIDA

ARTICLE 8
LOCAL GOVERNMENT

SECTION 1. Counties.—

(a) **POLITICAL SUBDIVISIONS.** The state shall be divided by law into political subdivisions called counties. Counties may be created, abolished or changed by law, with provision for payment or apportionment of the public debt.

(b) **COUNTY FUNDS.** The care, custody and method of disbursing county funds shall be provided by general law.

(c) **GOVERNMENT.** Pursuant to general or special law, a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.

(d) **COUNTY OFFICERS.** There shall be elected by the electors of each county, for terms of four years, a sheriff, a tax collector, a tax assessor, a supervisor of elections, and a clerk of the circuit court; except, when provided by county charter or special law approved by vote of the electors of the county, any county officer may be chosen in another manner therein specified, or any county office may be abolished when all the duties of the office prescribed by general law are transferred to another office. When not otherwise provided by county charter or special law approved by vote of the electors, the clerk of the circuit court shall be ex officio clerk of the board of county commissioners, auditor, recorder and

custodian of all county funds.

(e) **COMMISSIONERS.** Except when otherwise provided by county charter, the governing body of each county shall be a board of county commissioners composed of five members serving staggered terms of four years. After each decennial census the board of county commissioners shall divide the county into districts of contiguous territory as nearly equal in population as practicable. One commissioner residing in each district shall be elected by the electors of the county.

(f) **NON-CHARTER GOVERNMENT.** Counties not operating under county charters shall have such power of self-government as is provided by general or special law. The board of county commissioners of a county not operating under a charter may enact, in a manner prescribed by general law, county ordinances not inconsistent with general or special law, but an ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict.

(g) **CHARTER GOVERNMENT.** Counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law. The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances.

(h) **TAXES; LIMITATION.** Property situate within municipalities shall not be subject to taxation for services rendered by the county exclusively for the benefit of the property or residents in unincorporated areas.

(i) **COUNTY ORDINANCES.** Each county ordinance shall be filed with the secretary of state and shall become effective at such time thereafter as is provided by general law.

(j) **VIOLATION OF ORDINANCES.** Persons violating county ordinances shall be prosecuted and punished as provided by law.

(k) **COUNTY SEAT.** In every county there shall be a county seat at which shall be located the principal offices and permanent records of all county officers. The county seat may not be moved except as provided by general law. Branch offices for the conduct of county business may be established elsewhere in the county by resolution of the governing body of the county in the manner prescribed by law. No instrument shall be deemed recorded in the county until filed at the county seat according to law.

SECTION 2. Municipalities.—

(a) **ESTABLISHMENT.** Municipalities may be established or abolished and their charters amended pursuant to general or special law. When any municipality is abolished, provision shall be made for the protection of its creditors.

(b) **POWERS.** Municipalities shall have governmental, corporate and proprietary powers to enable them to conduct municipal government,

perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law. Each municipal legislative body shall be elective.

(c) **ANNEXATION.** Municipal annexation of unincorporated territory, merger of municipalities, and exercise of extra-territorial powers by municipalities shall be as provided by general or special law.

SECTION 3. Consolidation.—The government of a county and the government of one or more municipalities located therein may be consolidated into a single government which may exercise any and all powers of the county and the several municipalities. The consolidation plan may be proposed only by special law, which shall become effective if approved by vote of the electors of the county, or of the county and municipalities affected, as may be provided in the plan. Consolidation shall not extend the territorial scope of taxation for the payment of pre-existing debt except to areas whose residents receive a benefit from the facility or service for which the indebtedness was incurred.

SECTION 4. Transfer of powers.—By law or by resolution of the governing bodies of each of the governments affected, any function or power of a county, municipality or special district may be transferred to or contracted to be performed by another county, municipality or special district, after approval by vote of the electors of the transferor and approval by vote of the electors of the transferee, or as otherwise provided by law.

SECTION 5. Local option.—Local option on the legality or prohibition of the sale of intoxicating liquors, wines or beers shall be preserved to each county. The status of a county with respect thereto shall be changed only by vote of the electors in a special election called upon the petition of twenty-five per cent of the electors of the county, and not sooner than two years after an earlier election on the same question. Where legal, the sale of intoxicating liquors, wines and beers shall be regulated by law.

SECTION 6. Schedule.—

(a) This article shall replace all of Article VIII of the Constitution of 1885, as amended, except those sections expressly retained and made a part of this article by reference.

(b) **COUNTIES; COUNTY SEATS; MUNICIPALITIES; DISTRICTS.** The status of the following items as they exist on the date this article becomes effective is recognized and shall be continued until changed in accordance with law: the counties of the state; their status with respect to the legality of the sale of intoxicating liquors, wines and beers; the method of selection of county officers; the performance of municipal functions by county officers; the county seats; and

the municipalities and special districts of the state, their powers, jurisdiction and government.

(c) OFFICERS TO CONTINUE IN OFFICE. Every person holding office when this article becomes effective shall continue in office for the remainder of the term if that office is not abolished. If the office is abolished the incumbent shall be paid adequate compensation, to be fixed by law, for the loss of emoluments for the remainder of the term.

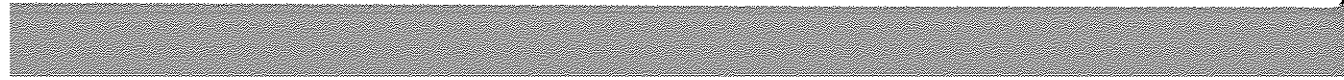
(d) ORDINANCES. Local laws relating only to unincorporated areas of a county on the effective date of this article may be amended or repealed by county ordinance.

(e) CONSOLIDATION AND HOME RULE. Article VIII, Sections 9, 10, 11 and 24, of the Constitution of 1885, as amended, shall remain in full force and effect as to each county affected, as if this article had not been adopted, until that county shall expressly adopt a charter or home rule plan pursuant to this article. All provisions of the Metropolitan Dade County Home Rule Charter, heretofore or hereafter adopted by the electors of Dade County pursuant to Article

VIII, Section 11, of the Constitution of 1885, as amended, shall be valid, and any amendments to such charter shall be valid; provided that the said provisions of such charter and the said amendments thereto are authorized under said Article VIII, Section 11, of the Constitution of 1885, as amended.

(f) DADE COUNTY; POWERS CONFERRED UPON MUNICIPALITIES. To the extent not inconsistent with the powers of existing municipalities or general law, the Metropolitan Government of Dade County may exercise all the powers conferred now or hereafter by general law upon municipalities.

(g) DELETION OF OBSOLETE SCHEDULE ITEMS. The legislature shall have power, by joint resolution, to delete from this article any subsection of this Section 6, including this subsection, when all events to which the subsection to be deleted is or could become applicable have occurred. A legislative determination of fact made as a basis for application of this subsection shall be subject to judicial review.



INDEX TO CITY OF JACKSONVILLE
AND INDEPENDENT AGENCIES



INDEX TO CITY OF JACKSONVILLE AND INDEPENDENT AGENCIES

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