

October 19, 1984

The Honorable William E. Carter  
President, Jacksonville City Council  
10th Floor, City Hall  
220 East Bay Street  
Jacksonville, Florida 32202

Dear President Carter:

The Charter Revision Commission held its final meeting on the evening of October 8th. Enclosed please find the original minutes, together with copy of the Final Draft of both the City Charter and the Proposed Ordinance which would implement the recommended changes to the City Charter.

In his address to the Commission at its organizational meeting of November 3rd, 1983, President Clarence Suggs gave the following charges to the membership in addition to the charge of reviewing the City Charter. These charges and responses are shown below:

1. **THE CITY JAIL:**

Should the funding and operation of the City Jail be the responsibility of the City of Jacksonville, the State of Florida, or a combination of both?

**RESPONSE:**

The Budget and Taxation Review Committee's recommendation to the Commission, which was adopted, is that if a new Jail is built that it should be financed by sales tax revenues to result in the lowest possible overall cost to the residents of Duval County.

The Legislative Review Committee's recommendation to the Commission, which was adopted, is that we do not need a new Jail, but that pretrial detention facilities should be provided at the lowest possible cost to the citizenry.

2. **THE SUNSHINE LAW:**

Is it effective and workable?

Can it be made easier to understand?

Should all elected officials come under the law?

Should part-time elected officials have the same restrictions as full-time officials?

**RESPONSE:**

The Governmental Relations Review Committee's recommendation to the Commission, which was adopted, is that Chapter 286, Florida Statutes, (Public Meetings Law) should be applied equally to all governmental bodies, including the Legislature, its committees and members, to the same extent that it is applied to the Jacksonville City Council.



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3. **COUNCIL VACANCIES:**

Should they be filled by special election as now required by the Legislative Delegation, or should the Council appoint replacements when less than two years remain in a term?

Should Council Election Laws be changed?

**RESPONSE:**

The Legislative Review Committee's recommendation to the Commission, which was adopted, is that vacancies on the Council should be filled by appointment if one year or less remains in the term. If more than one year remains, there should be an election.

The Commission does not recommend any changes in the Council Election Laws.

4. **HOME RULE:**

How much Home Rule do we have?  
Do we need more Home Rule?

**RESPONSE:**

The Governmental Relations Review Committee's recommendation to the Commission, which was adopted, is that the Commission urge the City Council to pass legislation urging the Duval Legislative Delegation to use its powers to prohibit the State Legislature from enacting legislation which limits "Home Rule" powers to municipalities.

The Commission believes that ordinance form of government will result in the purest form of Home Rule, which is the purpose of the Draft Ordinance referenced above.

5. **INDEPENDENT AGENCIES:**

The Governor currently makes three (3) appointments to the JTA and four (4) appointments to the JPA. Should the Governor make all the appointments, or none of the appointments?

**RESPONSE:**

The Independent Agencies Review Committee's recommendations to the Commission, which were adopted, are that the appointments to the Jacksonville Transportation Authority Board remain the same; that is, that the Governor continue to make three appointments and the Mayor make the remaining four.



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With regard to the appointments to the Jacksonville Port Authority Board, the Commission recommends that they remain the same; that is, the Governor should continue to make four appointments and the Mayor the remaining three.

One other charge which President Suggs gave the Commission during the course of the Commission's meetings concerned the rezoning of real property (Section 5.08, Chapter 67-1320, Laws of Florida, Bill J-2(1984), the title of which is paraphrased as follows:

"Should the Charter of the City of Jacksonville (S. 5.08 of Chapter 67-1320, Laws of Florida.) be amended to require a vote of two-thirds of the entire membership of the City Council to pass any measure rezoning real property; providing that no measure to rezone real property shall be introduced within one year after a previous rezoning measure concerning the same property fails of passage?"

The Commission's recommendation is that the City Council pass legislation urging the Delegation to use its powers to defeat the passage of proposed Local Bill J-2, on the basis it would unduly restrict development and growth of our community and restrict local government from reacting thereto.

Note: This bill failed to pass in the Legislature.

President Carter, on behalf of the entire membership of the Commission, I want to thank you, Former President Clarence Suggs, and each of the other members of the City Council for your confidence in us, evidenced by our appointments, and for the opportunity to work together in an effort to make the City Charter a more workable and better document for the common good of all the citizens of Duval County. Although the members have tendered their resignations, we stand ready to meet with you and the members of Council at any time convenient to you for any discussions you may desire and to be of assistance in any way possible.

Sincerely,



Lew Brantley, Chairman  
CHARTER REVISION COMMISSION

LB/mb ✓

Enc: Minutes of October 8, 1984 meeting  
Draft Ordinance  
Draft City Charter  
Commission's Recommendations

cc w/encs: Members of Council  
Charter Revision Commission Members  
Duval Legislative Delegation  
Henry Stout, Director of Staff Services  
Leon Green



## MINUTES

CHARTER REVISION COMMISSION  
MONDAY, OCTOBER 8, 1984  
6:00 P.M.

15TH FLOOR, CITY HALL  
COUNCIL CHAMBER

MEMBERS PRESENT:           Lew Brantley, Chairman  
                              Douglas J. Milne, Vice-Chairman  
                              Solomon L. Badger, III  
                              William L. Durden  
                              William K. Fenwick  
                              Raymond D. Frank  
                              Clyde Jennings  
                              Wayne M. Levitt  
                              Stanley M. Macon (arrived 6:09 p.m.)  
                              Glenn Morningstar  
                              Roderick M. Nicol  
                              Paul L. Owens  
                              Robert V. Palmer (arrived 6:06 p.m.)  
                              Joseph M. Ripley, Jr. (arrived 6:12 p.m.)  
                              John Trekell  
                              Jim Winston (left at 6:45 p.m.)

MEMBERS EXCUSED:           Eleanor J. Ashby  
                              W. W. Gay  
                              James L. Harrison, Jr.  
                              Claude L. Mullis  
                              Patricia D. Wheeler

MEMBERS ABSENT:           Frank Hampton, Sr.  
                              Marvin Kay

OTHERS PRESENT:           Mrs. Lew Brantley  
                              William R. Merwin, Chief Editorial Counsel  
                              Jamie Plant, Times-Union Reporter

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Chairman Brantley called the meeting to order at 6:02 p.m. and requested the Aide to call the roll. Roll Call revealed there were fourteen (14) members present; three (3) members arrived after Roll Call; seven members were excused or absent.

Chairman Brantley stated that before the Commission starts its deliberations that he would like the Vice-Chairman, Mr. Milne, to be kind enough to ask the blessing on the deliberations.

Commissioner Milne prayed, "Father, we praise you for the beauty of this day and the chance to meet and deliberate as free men and women. For your leadership, guidance, direction and all other blessings of this life, we give you loving and grateful thanks and praise. Amen."

Continued . . . . .

In his opening remarks, Chairman Brantley stated that one of the Commissioners, Mrs. Patricia Wheeler, some months ago, she was out doing her walking, or exercise and was hit by an automobile and severely injured. She was recuperating somewhat, but Mrs. Bruton was kind enough to personally check on her today and her secretary represents that Mrs. Wheeler is not doing as well as she would like; although she is doing some limited work back in the office. She just simply isn't up to it. It seems as though one of the bones is not mending like it should. She had several fractures - a young woman, a very attractive woman, as all of you know, a very competent lawyer. We certainly miss her and we wish her well and God-speed in her full recovery. Chairman Brantley asked if there were any other sicknesses among the members, to which there were none. The Aide advised the Chairman that Commissioner Mullis had called to say that he could not attend, to which the Chairman responded that there were several members who had very good reasons for not being able to attend. He also said that Commissioner Winston will have to leave early.

Chairman Brantley said that he wanted to fill the Commission in on one other subject matter which members might want to be thinking about prior to the ending of the meeting this evening, saying that he had held a conversation with the Council President, Bill Carter, today and expressed to him that there were two lines of thought on this Commission, as has been expressed earlier, whether the Commission should continue or whether the Commission should cease to exist following the adoption of our Final Draft that we have all preliminarily voted on already. Chairman Brantley expressed to Mr. Carter his particular feeling, which was that we (the Commission) serve no further purpose. He stated that Mr. Carter's desire was somewhat the same in that he felt that the Commission ought to dissolve itself following the conclusion tonight and that it would leave open; however, he has no design on attempting to establish another Charter Revision Commission. Chairman Brantley continued, saying that he (President Carter) does feel that some future Council President might want to do that and should be given that prerogative. Chairman Brantley stated, that under the Charter, if the Commission "hung around" that it could stifle the process. He continued, saying that in conversation with Legal Counsel today, he (Counsel) represents to the Chairman that it would not necessarily take individual resignations, but simply a motion at the conclusion of this meeting that the Commission dissolve, which would effectively accomplish that. Chairman Brantley then asked Mr. Merwin (Legal Counsel) if that was correct.

Mr. Merwin's response was that since the Commission members are appointed for fixed terms, the members could either vote to adjourn "sine die," which would simply leave this Commission with a full membership with nothing to do, or, you would, in order to end your terms, you would have to resign, because your terms are fixed by law and the Council can't shorten them, neither can you, nor the President. So if you wanted to shorten your terms, to leave no Commission in existence, you would have to resign, but if you wanted simply not to meet again, you'd adjourn "sine die," just as the Legislature does.

Chairman Brantley said that as of 12:01 tonight that he accepts the resignations from all Commissioners and that he will tender his. Chairman Brantley said that he had given the members this information, so that they would have something to think on and that it would be discussed at the conclusion of tonight's meeting.

Chairman Brantley said that according to tonight's Agenda, that the Commission would have a presentation by Mr. Bill Merwin on the final product that the Commission has preliminarily voted on. He then asked if there were any comments by members of the Commission, inasmuch as the Commission had been on summer vacation and some of the members might have a burning desire to express themselves on a particular subject. After having asked the Commission for



their comments, Chairman Brantley then turned the meeting over to Mr. Merwin.

The following is Mr. Merwin's report:

"Thank you, Mr. Chairman. As a result of the work of the Commission and its Committees, a final draft of an ordinance has been prepared which will incorporate the majority of those recommendations in an ordinance that revises the Charter to delete obsolete, unnecessary and redundant language and to make other changes that are within the power of the Council to make. The Council does not have unlimited power over the Charter. There are some areas of the Charter that are forbidden to legislate. This ordinance, however, operates within the sphere granted to the Council by the Legislature, and the Preamble of the clauses in the ordinance lists the authority under which the Council is acting. I think that I said in a memorandum to you which was dated in June that the amendments concerning the Civil Service Board that were already in the Legislature at that time. They had been incorporated in the new Charter because they had passed the Legislature. So that is all in the Charter.

I prepared at your request also a draft of the Charter as it would appear if this ordinance were to be enacted by the Council. It did not look like this today and for that reason I've got the current wording of it, but should this ordinance be enacted, then, the Charter would appear as I have done it here. For comparison purposes, I do have a Charter that is current, but is in the form of which is without this amendatory ordinance."

Chairman Brantley asked if there were any questions of Mr. Merwin. He then asked if there were a desire on the part of the Commissioners to have Mr. Merwin walk through the Charter and point those modifications out. Chairman Brantley said that he thinks the greatest impact of what the Commission has tentatively done and expect to conclude tonight is that, as Mr. Merwin has said, is to change the Charter to an ordinance form, as it is simply the purest form of Home Rule that the Consolidated City Government could have. It gives that authority back to the Legislative Body at the local level and then would remove the necessity of waiting for Legislative sessions in Tallahassee, and/or setting up or accepting the Duval Delegation as a Super City Council. Chairman Brantley said that he means that with a respectful tone and not a critical tone. He then turned the meeting over to Mr. Merwin.

Mr. Merwin said, "Essentially, what this ordinance does - when the Charter was originally enacted, there were a great many provisions were put in it with respect to the structure of the government, how it should look, how it should function. Because the government had not existed in this form before, the Legislature thought it wise to specify, for example, the Departments and some of the Divisions. As time passed, they were converted into ordinances but their existence in the Charter was never removed, even though by ordinance, the Council never said anything about repealing it, so that when it's repealed, it doesn't appear in there. What this ordinance does, is that it removes that kind of language that is either an ordinance or read into the Ordinance Code, or planned to be in the Ordinance Code by the Council. It also reorganizes, for example, some of the articles and everything in one section, which doesn't look very good, so that they have several sections as opposed to just one. What it does, is it reduces the number of articles from thirty, I think, down to twenty-seven, or twenty-six, because some of the articles are not necessary. They have either made them into ordinances, or in some cases, they can no longer be used by the City, but, this ordinance is in the nature of a housekeeping ordinance. It does a little bit more than that, but, it's usually, it makes the Charter a much smaller document and probably much easier to read. That's a matter of conjecture, but I think it reads much better, because all of the essentially legislative things have been taken out, and it is now more like a Constitution, which is what it is supposed to be in the first place. It is not supposed to be a set of laws; that is what the Council has been created to do throughout the laws. The Charter simply provides the framework from which the laws are built. And, I think that you will find the Draft, if you ever go through it, it reads much, much better than the original Charter, but

there isn't anything wrong with the original one, but, as time has passed, it has become less and less necessary to have all of this detail in it."

Chairman Brantley said to Commissioner Durden that he (Brantley) detects a note of pride of authorship (of the Charter) and asked him if he would either confirm that or refute that last comment (by Mr. Merwin).

Commissioner Durden's comments were that he didn't write the Charter, that all he did was to execute it, that it was written by the Legislative Delegation.

Chairman Brantley's response to Commissioner Durden's comment was, "no wonder it read poorly." Chairman Brantley then asked if there were further questions of Mr. Merwin. There being no further questions at this time, Chairman Brantley asked Mr. Merwin to proceed.

The following is Mr. Merwin's "walk-through" of the Final Draft Ordinance:

"In case you want to go through this, we can take the Ordinance paragraph, or section by section, if you wish, just so that you Commissioners understand what it is that you are going to be asked to act upon. Okay, we will begin with the Preamble, beginning with the first 'Whereas,' Chapter 78-536 was the one that made most of these changes converting the Charter into Ordinances, but it did not have the repeal, it simply made the ordinances. Article 3 was amended by that Chapter in the Laws of Florida, which gave the Council the power to amend or appeal any provision of this Charter and adopt other provisions by ordinance to the same extent as can be done by the Legislature of the State of Florida, with certain exceptions that were put in the Charter for protection. For example, (repose) rights cannot be taken away by ordinance without referendum. Matters relating to appointive boards, like the J.E.A. or the D.D.A. cannot be changed except by either the Legislature or by referendum. But, in general, the power of the Council over the Charter is the same as that of the Legislature. Whereas, this power is authorized to secure Home Rule, and that was the state of intent Chapter 78-536 was supposed to give the City Home Rule through its Charter. On the top of page two, whereas, the Commission has reviewed this, since so many recommendations, which is what this Ordinance would be if you accept it, and, whereas, the Council has reviewed the recommendations and therefore agrees with them, therefore, BE IT ORDAINED. Okay, beginning Articles 1, 2, 3 and 4 of the Charter are practically non-amendable; that is, they deal with items that are beyond the power of the Council. Therefore Articles 1 through 4 of the current Charter are not mentioned here because, it states, 'the territory extended the City' and that sort of thing, which the Council can't deal with. So the first amendments begin in Section 5 which deals with the Council, itself. Certain sections are mentioned as being repealed. These are the ones, for example, that deal with the Council's procedures, in the sense of who its officers are going to be, and, although it is nice to have it in the Charter, it is not essential, and so it is removed. This Ordinance removes everything that is not essential; that is, it doesn't mean that it can't be left in the Charter, but it removes everything that is not essential. Such amendments cover the housekeeping, it can pull those several sections and renumbers them so the numbering system remains consistent.

Sections 5.05 and 5.06 didn't have catchlines in the other editorially; this adds them. Section 5.07 amends the power section, not to give the Council additional powers, which, of course, it cannot do, but, simply to make the language less burdensome than it is now. Essentially, Article 15 of the Charter has been repealed, it is repealed today, it was repealed by the Council about six months ago. So, any reference to Article 15 has to go out. It authorizes the Council to fix salaries, which changes the Tax Assessor to the Property Appraiser. This was done in other parts of the Charter, but not in this part. So, I simply made the name of the Property Appraiser to be accurate. Again, it doesn't affect their salaries in that the Council can't set any lower salary than the Legislature authorizes for like officials in like counties of similar

population. Essentially, that's the end. The Power Section is much briefer than it used to be. All it says is that all of the legislative powers of the Consolidated Government vest in the Council, except those that belong to the Beaches and Baldwin. They have their own governments and they have their own power of legislation, we have the rest of it. That is Section 2. Do you want to stop for questions, Mr. Brantley, or just go on?"

Chairman Brantley asked those Commissioners who wished to interrupt Mr. Merwin during his presentation to please do so, otherwise - at this point Commissioner Johnson stated that he wanted to ask a question.

Commissioner Johnson's remarks: "I have just one question. Mr. Merwin, the salary of the Tax Assessor and the Tax Collectors, is that not now set by the State?"

Mr. Merwin's response: "No, under this portion of the Charter, the Council has the power to fix their salaries, but it cannot be less than they would make in a county of similar size, pursuant to State Law. The Legislature has a formula by population groups, because it has simply adopted this formula, so whatever these officers would make in a county of similar size, he makes in this county - no less than, he could make higher than, but no less than."

Commissioner Johnson thanked Mr. Merwin and Chairman Brantley asked if there were any further questions, then asked Mr. Merwin to proceed.

Mr. Merwin continues: "In Section 3, that is a new article, a new Section 5 under Procedures. The reason this was re-inserted is because the Council is required, under the Charter, to read an ordinance or resolution, an ordinance or resolution, three times. Under the State Statute, it is only required to do it twice. So, this keeps in the Charter that more stringent regulation on the Council. So, I had to re-insert it under a new number and new section number. It also combines into one section several other provisions. For example, for special meetings and Council Officers. These were in various sections. They have now been combined into a single section concerning Council Procedure and is the only section under 'Procedure' in all of Article 5. So, it means eliminating several sections.

"In Section 4, it repeals Section 6.06 of the Charter, which deals with the Mayor's Staff. It looks kind of funny, but in the Article on Civil Service, they are already exempt from the Civil Service and can be appointed by the Mayor anyway. This is really unnecessary provisions - this is the only section that could be repealed. Article 19, which I think is now Article 17, in the new Charter, but didn't affect that, that's a Civil Service law of the City. So, in order to remove this unnecessary reference to secretaries and Administrative Aides, they are already mentioned as being exempt from the Civil Service. So it is repealed.

"The other sections are renumbered, just to give us new numbers. The Legislature, when they made up the Charter, sometimes used funny numbers; they are out of sequence. So, I re-sequenced them. In Section 5, concerning the powers, Section 6.04, representing the Powers and duties of the Mayor, again, this takes out of Section 6.04 unnecessary language. It shortens the section, it doesn't do any damage to the powers of the Mayor.

"In Article 7, this concerns the original departments of the Government and a great deal of it has been made into an ordinance. So, these various Chapters were repealed or amended from Charter, because they are already ordinances as a matter of fact, or already in the Ordinance Code, but this allows the Codifier, the person who prints the Charter, to simply remove them out of the Charter. Now certain Sections, 7.303 and 7.403, cannot be amended by the Council by their very words. So they are continued - they have to have a Chapter in Article 7 that is only a two section article here. So instead of having an article with ten or so chapters, it only has two sections now, generally concerning directors of departments and Central Services; that's

the Council's authority to grant Central Services.

"In Articles 8, 10 and 11, they are pretty much all the same, as far as the changes are concerned in Section 7. Certain sections of those articles are made ordinances, this simply removes them out of the Charter, so they won't be printed again. And the numbers, some sections that had bad numbers, out of place numbers, these deal with the elected officials, such as the Sheriff. Essentially, it retains their duties, the qualifications and how to fill vacancies and that is all the Legislature put in the Charter as far as these officials are concerned. The ones to their legislation concerning staffs and budgets, etc. have already been made into ordinances, so I simply took them off.

"In Section 8, on line 13, page 5, Articles 12, 20, and 21, which are already ordinances, are removed from the Charter."

Chairman Brantley acknowledges Commissioner Winston, who had a question.

Commissioner Winston said, "Excuse me, looking back on Page 4, line 12?"

Mr. Merwin responded, "Yes, sir?"

Commissioner Winston continues, saying, "This is your language?"

Mr. Merwin responds, Yeah, this ---- Commissioner Winston says, "The underlined language or the struck through language?"

Mr. Merwin responds with, "Well, both, the struck through language exists today and - Commissioner Winston says, "And the underlined is yours?"

Mr. Merwin answers, "Yes."

Commissioner Winston continues, saying, "It seems to me you have taken out the word 'Charter' and you have simplified it, obviously, but, Mr. Merwin says, "Well, there are none of the departments and divisions in the Charter at all."

Commissioner Winston responds with, "Okay."

Mr. Merwin continues, saying, "They are made ordinances by the Legislature and the Council put them in the Ordinance Code. So, then there are no departments or divisions under the control of the Mayor that are in the Charter today. They don't exist anymore as Charter revisions. They exist in the Ordinance Code as Ordinance Provisions."

Commissioner Winston responds, "Okay, thank you."

Mr. Merwin continues, saying, "In Section 9, this is the first re-numbering of an article redesignating Article 12, which is the 'Judiciary,' 13, excuse me, as Article 12. The first part of Chapter 1, there are two chapters in this Article, 1 and 2, appropriated and used a 'Court System.' We haven't had a Municipal Court system for many years and that portion of the Charter simply fell into disuse, because the Legislature and the Constitution don't permit that. So, Chapter 1, as a Chapter, I just lined that through. There is no longer a Chapter, there is only one part in the whole of Article 12. The changes in Article 12 reflect the fact that there is a court system that is vastly different from the world that existed in the Charter when it was first enacted by the Legislature. And it doesn't, obviously, it doesn't affect the Courts, because it can't, but it recognizes the fact that we don't have quite such a complicated judicial system as we used to have. Of course, the clerk's title has changed, so, it has been reflected throughout

the Charter.

"On Section 2, beginning on the bottom of page 9, Article 14, which was concerning the Duval County School Board, relieves Sections 14.04, and 5 and 13 from the Charter. They are already, as a matter of fact, out of the Charter in the form of text. They are in the Ordinance Code and renumbers the other sections concerning the School Board. Their being an elected body, the Council could not affect its powers and duties; so, there was no attempt to amend powers and duties on the School Board.

Section 11, beginning on line 8, page 10, renumbers Article 15 as 14 and redesignates as Finance and Taxation. This is where we are beginning to accumulate sections from various articles that have been transferred. Again, primarily because the Finance and Taxation used to be several articles and now there's not enough left to be but one.

"Section 12, Article 16, was repealed. That is the Article on Bonds. Our authority to issue bonds is stated in the Florida Statutes, the general Statutes of Florida, and most of the rest of this was already made an ordinance by the Legislature.

"Article 17 was renumbered Article 15 and it has only one Section on the recall by voters, which was Section 17.08, is now 15.01. It is the only section that remains in Article 17. The rest of the ordinances appear in the Ordinance Code today.

"Article 18, which is 'Retirement and Pension Benefits' is renumbered as sixteen (16) and because we cannot affect these through simple ordinance by the Council, obviously, no changes could be made in Articles 18 or 16.

"Article 19 has been renumbered as Article 17. This is the Civil Service Provisions, and, because the Council cannot affect these by simple ordinance, all that was redone is renumbering both sections."

"All right, we will skip to Article 22, because we have already moved 20 and 21. The Transition and Effective Date Provisions of Article 22 were repealed, because the Provisions in Article 22 have been executed; that is, what they required us to do has been done. This is known as how to get from the old governments to the new and all of these things have long since been done. Now 22.02, which deals with the Effective Date of the Charter, and 22.08, which is continuing to close the transfer to the Article. Obviously, they have been closed, because it is carried over from the old government. We can't affect that, but, although, once the provisions have been executed, they have long since been dealt with.

"In Section 17, we renumber Article 23 as Article 18. Twenty-three (23) is missing these provisions and certain sections, thereof, repealed. For example, validation of duties and the Charter Revision Commission being authorized. The Council could do that anyway. There is no need to have a special authorization and they are removed and the rest of the sections are renumbered.

"Section 18 amends one of those sections in the new Article 18 to deal with subpoenas and the administering of oaths.

"And Section 19 amends Section 18.02 - this was omitted by one of the Legislative amendments and this restores some language that was inadvertently omitted by one of the Legislative amendments that amended this particular section in the Charter. As a matter of fact, this is what the Courts have said we must do anyway, is that we can't affect the Second, Third, Fourth and Fifth Urban Services Districts. They are municipalities, whether we like it or not, but we can consider the First U.S.D. to be a city if we want to, and the rest of the county to

be a county, if we want to. And that simply restores that.

"Article 24, which is Definitions, is repealed and removed from the Charter. It was only a one section article to begin with and that section was transferred to Article 18. And it was further amended as appears on page 12. Essentially, it defines only those terms that remain in the Charter."

Chairman Brantley asked if there were any questions of Mr. Merwin, there being none, he asked Mr. Merwin to proceed.

"Section 21 on page 13 repeals Article 25 on Ad Valorem Tax Levies and removes it from the Charter and transfers two of those sections, essentially on the Millage Limitations and Increases and Decreases. Again, this is a two section article that has been transferred to the Finance and Taxation Article, which, I think, is six sections long, instead of being one or two.

"Article 26, Referendum, is repealed because it has been executed, except for 26.04, which is concerning the short, let me see, wait a minute, 26.04, oh, that's the short title and it has been transferred. It is called the Charter of the City of Jacksonville. It is the title which the Legislature gave to this act.

"Section 24, Article 28, is renumbered Article 20, I'm sorry, Section 24, Article 27, this is on Employee Relations, renumbered, because it affects their plural rights, the Council cannot amend it. As a matter of fact, this Article is virtually useless, because we have a general statute on public employees collective bargaining that governs, whether we like this Article or not, but because it affects employees rights and benefits, the Council can't simply repeal it. The best we could do is what we have done with it, to put it in order and, perhaps, they'd ask the Legislature to repeal it. This section has been superseded by the General Statute on Bargaining."

Chairman Brantley acknowledged Commissioner Johnson and Commissioner Johnson asked, "If employees bargaining rights is set by statute, why didn't we make the Ordinance conform to the Statutes, if the Council can do that?"

Mr. Merwin responded with, "Well, in general it does. The reason it can't use this is because a municipal entity can enact a local collective bargaining law. It could. The Public Employees Relations Commission will certify it as being adequate to protect employees. They will not certify Article 27. I do not know why. They will not certify it as being a local bargaining law." Mr. Johnson asked, "They will not certify it as it now is?"

Mr. Merwin responded, "Right. My understanding is -----interrupted by Commissioner Johnson, who said, "They are substituting it for something else in 447?"

Well, no, Chapter 447 of the Florida Statutes is the Public Employees Collective Bargaining Act for all of the State of Florida. It prefers that Act be used in preference to any local law on the subject. That's why they won't certify this, because they prefer to use the General Statute. There's not much difference, but they prefer that they use the General Statute. So they won't certify any local bargaining acts." Chairman Brantley said, "What I'm telling you is they are not only picking on our article locally, but they are not doing it for any other municipality either, to my knowledge."-----

Mr. Merwin responded, "Right, but because the Council can't repeal this, it was simply renumbered. We could ask the Legislature to do so, if we felt that was necessary, because this is not used in any event. Many plural rights are affected. We'd be affected by the repeal of this, but the Council can't do that, only the Legislature can."

Commissioner Johnson responded, "Oh, I see, okay, so we have to put it in there."

Mr. Merwin said, "We will have to keep it because we can't repeal it."

Chairman Brantley interjected, "We have to keep it intact. Yes, sir."

Commissioner Johnson said, "You had me confused there for a minute."

Mr. Merwin responded, "I'm sorry."

Commissioner Nicol said, "Is there any reason why we do not want to ask the Legislature to repeal it?"

Chairman Brantley said, "No, I know of no reason why not."

Mr. Merwin said, "There is no reason why we can't."

Chairman Brantley responded and said, "Mr. Nicol, it has been requested before."

Commissioner Nicol said, "If it is not affecting anybody or hurting anybody, why stir it up?"

Chairman Brantley responded, "Yes, sir, very candidly, when you approach that subject from a legislative viewpoint, and it hits the newspaper, it generally pulls a full audience here and the legislators are knowledgeable enough to know that they aren't helping or hurting anybody to leave it there and they generally won't do anything about it."

Commissioner Johnson said, "It seems that we are here to do housekeeping, but we can't housekeep because we don't want to stir up the dust."

Chairman Brantley said, "I have no problem at all to recommend that it be repealed, if that's the desire of this Commission. Certainly we can ask the Delegation to do it. It is probably the appropriate thing to do. Whether or not they are willing to do it, is to be seen."

Commissioner Nicol said, "Since we are resigning effective at midnight tonight, I don't mind taking a parting shot."

Chairman Brantley said, "Do it. Hold that, if you will, hold that as a separate motion, Bill, and please don't let me forget that. Let's come back to that particular motion when we get through with this portion. And we will put that in the form of a motion and a recommendation and see if it flies by the Commission. Okay, thank you, sir. Please proceed."

Mr. Merwin continued, saying, "Mr. Chairman, beginning on line 22, Section 24, Article 28, which is the D.D.A., is renumbered Article 20 and the sections are renumbered and they are finally given titles, catchline, which they haven't had. These have been supplied by the Editors, but they didn't appear. Article 30, let's see, Article 29, which was the Independent Agencies, that law has long since been repealed, so it won't reappear in the Charter. I'm going through my old Charter just so I don't lose anything here. Article 30, which was the J.E.A., is renumbered as Article 21 and the sections are renumbered."

Chairman Brantley interjected, "Article 25."

Mr. Merwin continues, "In Section 25, renumbers Article 30 as Article 21 and the Sections are renumbered. Again, this being an appointed board, there is a limited amount of legislative authority the Council has over the J.E.A. There is a general rule they couldn't do any more

in this ordinance, we simply renumber their sections. Okay, back to the School Board ordinance, which is now 13, because the Duval, the Jacksonville Area Planning Board, was terminated by sunset by the Council. The Council became responsible for reapportionment and this is amended to affect the fact that the Council now handles reapportionment, as opposed to the Planning Board, which doesn't exist anymore. Section 27 makes all of these report sections ordinances of the City, so that the Council has an opportunity to bring it into the Ordinance Code, if it wishes, or to act further on them. It's kind of redundant, but, yet, it covers the fact that if this ordinance has missed something, then there is a direction here to deal with it. Section 28 simply said that when the Mayor signs it, it becomes a matter of law. Now this doesn't mean, I think I'm sending my transmittal letter to you, Mr. Brantley, but, we will send, to actually create the new Charter, we are sending it to the Council for adoption by resolution, as a complete, whole document, which will be inserted into the Ordinance Code in the place of the one we have today. So this ordinance accomplishes the amendments that the actual adoption of the document called the 'The City Charter' would require further action by the Council to adopt it as an official publication of the City. And it's ready to go.

Chairman Brantley said, "Thank you, that's the one you are working on? Yes, sir, Mr. Johnson?"

Commissioner Johnson said, "I guess, procedure now on the motion or motions, on bargaining rights?"

Chairman Brantley responded, "Yes, sir."

Commissioner Johnson continues, "That would have to be deleted from, now you are saying that it would, if we approve it, then we approve this ordinance as submitted in whole, right?" Would we make the motion to, on the bargaining rights first, or, would you pass this first, with that except to make changes and redraw the ordinance."

Mr. Merwin responded, saying, Mr. Chairman, you should probably accept that motion, because you are going to ask the Delegation to do something to the accompanying bargaining article. This is asking the Council to do something, this ordinance does. So, as an additional recommendation, you would make that one to Delegation or to the Council and Delegation jointly."

Chairman Brantley said, "Did you understand that procedure, Mr. Johnson?"

Commissioner Johnson responded, "Okay."

Chairman Brantley responded to Commissioner Nicol's raised hand, saying, "Yes, sir, Mr. Nicol?"

Commissioner Nicol said, "Question of Mr. Merwin. Am I to understand then that this Commission is adopting this ordinance, requesting the Council to make changes is not recommending any substantive changes in the Charter of the City of Jacksonville, but merely is putting it in better order?"

Mr. Merwin responded, saying, "I wouldn't say there is substantive changes. We are moving from the Charter quite a bit of language that is within the power of the Council to remove, but a substantive law, in the sense it doesn't affect, for example, employees rights; the distribution of powers among the elected officials, the thing is the Legislature laws are substantive and what it forbids the Council to change, we cannot change. The things that the Council can change are being changed. So, a substantial revision of the Charter, I don't think it takes away any rights that are guaranteed by the Charter, as being only changeable by the Legislature or by referendum of the people. The things the Council can change on its own, I've made those changes; primarily in the nature of housekeeping, but not necessarily always."



Commissioner Nicol asked, "Could you elaborate and just name a couple of for instances?"

Mr. Merwin responded, saying, "For example, we are deleting from the Charter the fact the Council has to have a Secretary and an Auditor. As a matter of fact, they do and the need which an ordinance provides for that, but the new Charter would not require them to have one, or an Auditor or an independent auditor. These are required by State Law anyway, we can't escape that, but who the Council employees are in the way of department heads and stuff, will be removed. They prefer to choose and name their own types of officers. So, to that extent, yes, it changes substantive law, because, we removed from the Charter the mention of a Secretary or Auditor."

Commissioner Johnson said, "You are not recommending the abolishment of the----Chairman Brantley responded, saying, "I think what Mr. Merwin is saying, inasmuch as their rules are ordinances, it would take just as much authority for them to amend their own rules to accomplish a change, as it would to-----Mr. Merwin intercedes, saying, "Right, in other words because both can create whatever offices they want to anyway and they have already done that, this recognizes the fact that they have within their own sphere, the power to create whatever officers they want. It removes from the Charter the fact that there at least two, in fact, there are four department heads under the Council today. So, this removes from the Charter any mention of a Secretary and Auditor. As a matter of fact, they do have them and they are established by law within the Ordinance Code today."

Commissioner Johnson said, "Virtually, the City has the same powers we are asking as Home Rule?"

Chairman Brantley responded, "Yes."

Mr. Merwin responded, saying, "Well, the same powers they have over the Mayor. They can create and abolish departments that were under the Mayor. It gives them the same control over their branch as they have over the Executive Branch."

Chairman Brantley responded to Commissioner Durden's raised hand, saying, "Mr. Durden?"

Commissioner Durden said, "Mr. Merwin, I'm having a little trouble with your Section 27. We say, one, all sections of the Charter which have been repealed have become ordinances-----  
Mr. Merwin responds, saying "yes, sir."

Commissioner Durden continues, "Then we say within three months you are to prepare and transmit to the Council appropriate legislation, either to codify the ordinances as part of the Ordinance Code, or to repeal such of them as are unnecessary, redundant, or executed?"

Mr. Merwin answers, "Yes, sir."

Commissioner Durden continues, saying, "One, when they adopt this, why put them back in the Ordinance Code, I don't understand the two steps procedure? Why is it necessary?"

Mr. Merwin responds, "My Section 27 as a matter of law, of course, isn't really necessary. I assume the Council would do this, would have recommendations to do this, either for (-----) the law, but this gives directions to the Council's lawyers to - we'd like you to look at what we have done here, and if you think it needs to get in the Code, lets put it in there, if you think it doesn't need to go into the Code, tell us and we will----(Commissioner Durden interrupts, saying, "Well, your first sentence puts it into the Code."

Mr. Merwin responds, saying, "That ordinance is of the City, but not necessarily the codifier in the Ordinance Code."

Commissioner Durden answers, "Well, okay."

Mr. Merwin continues with his answer to Commissioner Durden's question, saying, "That has been the problem up until just last year with the Ordinance Code."

Commissioner Durden said, "But, then, we are recommending that they modify the Charter in accordance with our recommendations and then we are saying, however, they will all be ordinances and you can look them over again one at a time."

Mr. Merwin responded, "For inclusion in the Ordinance Code, not putting back into the Charter."

Commissioner Durden replied, "Okay, it just seems like if they approve what we recommend, they ought not to go back through it again."

Mr. Merwin's response was, "Yes, sir."

Commissioner Durden continued, saying, "And on page 12, Definitions, Line 12, Former Governments - Mr. Merwin interjects, "Yes, sir." Commissioner Durden continues, "Why are not the former City of Jacksonville Beach, Atlantic, Neptune and Baldwin former governments?"

Mr. Merwin responded, "Because they are not former governments. They exist today as municipalities by act of the Legislature."

Commissioner Durden said, "Not the former one?"

Mr. Merwin responded, "No, but in, let me see here, we did this because in Section 18.07, of the Charter, it consolidates all of the remaining governments into the Consolidated Government of the City of Jacksonville. All of the items are listed except the ones that are lined through. They are continued as separate governments. This simply says if you refer the Charter to the former government, you will find it under - it existed one time and doesn't exist anymore. Jacksonville Beach and the others do exist today. So, the Charter can't refer to former governments - its including these municipalities - they do exist today."

Commissioner Durden responded, saying "Is that what the decision that Steve Stratford got did?"

Mr. Merwin replied, "Yes, sir. It restored full status to the municipalities, as municipalities."

Commissioner Durden said, "They overruled the decision that I got, in other words?"

Mr. Merwin responded, "Yes, sir, I'm afraid so."

Chairman Brantley asked, "Are there further questions of Mr. Merwin? Mr. Durden, what would you like to see accomplished in you reason for question having to do with the direction to, I think, Mr. Merwin, left that door ajar, if you don't want to give direction to the Council, and, in fact, want them to do what you recommend they do, you don't necessarily need that language? Is that correct, Mr. Merwin?"

Mr. Merwin responded, saying, "Section 27 is not necessary in order to make the ordinance an effective, or even a good one. It's just something else that can be done - it is a direction to the Council to look at what we did and tell us if we need to codify them to put them in one

place or just ignore them and let them go on."

Chairman Brantley said, "Well, I saw a troubled look on a couple of faces, the reason I raised it again, that that language might not be - interrupted by Commissioner Durden, who said, "Its got a subsidiary problem to it, I think. It says that 'Chief Legislative Counsel is directed to prepare and transmit appropriate legislation either to codify or', who is going to decide what is appropriate legislation?"

Mr. Merwin said, "I assume he did, subject to the Council's objecting to whether it is appropriate, or not."

Commissioner Durden - "The Chief Legislative Counsel?"

Mr. Merwin said, "Yes, sir. Write the ordinance, send it to the Council and they could amend it, or object to it, if they wanted to."

Commissioner Durden said, "Then we are giving you carte blanche authority to do that?"

Mr. Merwin, responded, "Well, it is with supervision by the Council."

Commissioner Durden responded, "I'm talking about the authority from the Commission."

Mr. Merwin said, "Well, yes."

Commissioner Durden said, "I just wanted to know what they were doing."

Chairman Brantley said, "Let a councilman ask the legal questions, Judge. Is that an unlawful delegation of legislative authority, prohibited by the Constitution?"

Commissioner Durden said, "If it were anybody but Bill Merwin, I wouldn't want to give it to him." (Much laughter). What do you desire?"

Commissioner Durden said, "Not everybody is as objective as Bill Merwin."

Chairman Brantley asked, "What is the desire of the - to leave it?"

Commissioner Nicol responded, "I'm a little disturbed by it."

Chairman Brantley said, "All right."

Commissioner Nicol continued, saying, "I can't see the value of putting it in. I haven't heard a good reason for putting it in."

Chairman Brantley said, "Mr. Nicol moves that Section 27 on Page 14, beginning with lines 23 through line 2 on page 15 be stricken from the proposal."

Commissioner Durden said, "I'll second."

Chairman Brantley continues, "That places it there and seconded by Mr. Durden. Is there discussion? All in favor, say 'aye.'"

Commission Members responded, "aye."

Chairman Brantley said, "Opposed, no. Show its adoption. It is stricken."

Note: The above-referenced is quoted here for clarity:

"Section 27. All sections of the Charter which have been repealed by this ordinance shall become ordinances of the City upon the effective date of this ordinance, subject to amendment and repeal as other ordinances. Within three months from the effective date of this ordinance, the Chief Legislative Counsel is directed to prepare and transmit to the Council appropriate legislation either to codify these ordinances as part of the Ordinance Code or to repeal such of them as are unnecessary, redundant or executed."

Chairman Brantley asked, "Further questions of Mr. Merwin? And now to the Commissioners to the proposed modification of the Charter to be presented to the City Council. Is there further discussion, is there further discussion? All in favor say, 'aye.'"

Commission Members respond, 'aye.'"

Chairman Brantley: "Opposed, no. Show it adopted unanimously by those present and voting. Mr. Merwin, that can be transferred by an appropriate letter to Council---Mr. Merwin interrupts, saying, "Yes, sir, accompanied by a certified copy of the minutes of this meeting."

Chairman Brantley said, "Okay, which will become prepared at the appropriate time for submission to the City Council."

Mr. Merwin responds, "Yes."

Chairman Brantley said, "Okay, are there further questions of, yes, we have one further motion. Mr. Nicol and/or Mr. Johnson, Wayne Johnson, is desirous of --- Commissioner Johnson interrupts saying, "My motion would be that on important bargaining rights that as long as they are protected by the State Statutes and they have no bearing on the Charter, that it be stricken from the Charter."

Chairman Brantley said, "What is that section, again ---Commissioner Nicol responded, "Section 2 of Article 19."

Chairman Brantley - "2 of 19?"

Commissioner Nicol, "yes."

Chairman Brantley, "Okay."

Mr. Merwin rspoded, "Mr. Chairman, it will be all of Article 19 because the whole thing is entitled, 'Employee Relations.' pursuant to the General Provisions, Chapter 1, Article 19 and Statement of Intent & Definitions of the Collective Bargaining Procedures to be used."

Commissioner Johnson said, "Oh, I see."

Mr. Merwin continues, "Without two, one doesn't have much meaning."

Chairman Brantley said, "To succinctly put, Mr. Johnson, let me see if I can word your motion the way you really want it and inasmuch as the employees are presently protected, and are governed under Chapter 447, Florida Statutes, it would be your, based upon that representation, it would be your recommendation that Article 19 of the Charter be repealed? Mr. Merwin?"

Mr. Merwin said, "And that could be a motion to both the Council and the Delegation or either

or both."

Chairman Brantley said, "Let's do it both, cover both."

Mr. Merwin said, "Because it will take an act of the Legislature to do it."

Chairman Brantley continued, "Well, let's first request the Council to request to the Delegation and then we shall request the Delegation, also, and that will give a dual meaning, if that's acceptable. Is there discussion? All in favor say 'aye.'"

Commissioners responded with, "aye."

Chairman Brantley said, "Opposed, no. Show its adoption. Further motions? Further questions? Commissioners, I thank you all for the time that we have spent together. Mr. Milne, thank you for serving as Vice-Chairman and Miss Mary, I don't care what the world says, I love you. Thank you very much for all the kindnesses you have shown."

Vice-Chairman Milne said, "You asked a minute ago if there were any further motions and the non-response from me was the thought that they were to be motions directed to the matters just discussed. I would like to insert one final motion and ask for unanimous adoption of it by my co-commissioners that we resolve a commendation in your (Chairman Brantley) favor for the excellent leadership you have provided this Commission."

Chairman Brantley responded saying, "I'm not sure that---"

Commissioner Durden interrupted, saying, "I second that motion."

Chairman Brantley continued, saying, "That the Chair had gone blind. Thank you very much, Doug, you are a good friend. I'm grateful, you all were kind and I consider our friendships stronger than they were in the beginning and those that I've met for the first time and have associated with, I'm grateful for that opportunity and have become very personal. Bill Merwin, you've been, again, just outstanding for us and we appreciate it very much. If you will wrap this thing up for us. Gentlemen, without any objections, there being none, I accept your resignations, those present and those in absence, as Commissioners of this Commission and I will tender my resignation at eight o'clock tomorrow morning, yours becoming effective at midnight tonight. Thank you so very much, this meeting is adjourned."

There being no further business to come before the Commission, Chairman Brantley adjourned the meeting at 6:51 p.m.

Prepared by:

  
Mary Branton  
Commission Aide

Approved by:

  
Lew Brantley, Chairman  
CHARTER REVISION COMMISSION



1 Introduced by the Council President at the request of the Charter Revision Commission:

2  
3  
4  
5 AN ORDINANCE RELATING TO THE CHARTER OF THE CITY  
6 OF JACKSONVILLE; AMENDING THE CHARTER SO AS TO  
7 REMOVE OBSOLETE, UNNECESSARY OR REDUNDANT LAN-  
8 GUAGE AND TO MAKE CERTAIN NEEDFUL AND NECESSARY  
9 CHANGES IN THE CHARTER SO AS TO SECURE FOR THE  
10 CITY OF JACKSONVILLE AN IMPROVED AND MORE EFFEC-  
11 TIVE CHARTER; PROVIDING AN EFFECTIVE DATE.

12  
13 WHEREAS, the Legislature of the State of Florida enacted Chapter 78-536, Laws  
14 of Florida, at its regular session, which law made extensive amendments to the Charter  
15 of the City; and

16 WHEREAS, Section 4 of Chapter 78-536, Laws of Florida amends Article 3 of the  
17 Charter, which reads in part:

18 "The consolidated government: . . . [m]ay repeal or amend any  
19 provision of this charter, and adopt other provisions of this  
20 charter, by ordinance, to the same extent as could be done by the  
21 Legislature of the State of Florida, . . ."

22 with certain exceptions therein noted; and

23 WHEREAS, this power was authorized by the Legislature to secure for the City  
24 the greatest extent of home rule under the Constitution and general laws of the State,  
25 and to empower the City to make necessary and needful changes in its Charter except  
26 as to those things forbidden to be changed by the City without the approval of the  
27 Legislature or of the people; and  
28  
29

1           WHEREAS, the Charter Revision Commission has undertaken and completed a  
2 review of the Charter and has submitted its recommendations for changes to the  
3 Council; and

4           WHEREAS, the Council has received these recommendations and considered them  
5 and has also reviewed the Charter with a view toward removing obsolete, unnecessary or  
6 redundant language; now, therefore

7           BE IT ORDAINED by the Council of the City of Jacksonville:

8           Section 1. Sections 5.07, 5.08, 5.09, 5.10, 5.11 and 5.12 of the Charter are  
9 repealed. Sections 5.045, 5.05, 5.06 and 5.13 are renumbered as Sections 5.05, 5.06, 5.07  
10 and 5.09, respectively. Section 5.05 (formerly Section 5.045) is entitled Elected  
11 constitutional officers. The catchline of Section 5.06 (formerly Section 5.05) is  
12 amended to read Vacancies; temporary appointments.

13           Section 2. Section 5.07 of the Charter is amended to read as follows:

14           Section 5.07. Powers. All legislative powers of the consolidated government  
15 (except such as are retained by the second, third, fourth and fifth urban services  
16 districts) are vested in the council, and the council ~~shall have the right to~~ may legislate  
17 with respect to any and all matters which are within the powers of the consolidated  
18 government. The council shall review the budgets and appropriate money to the  
19 consolidated government and any independent agencies which request appropriations  
20 from the consolidated government; ~~in accordance with Article 15 of this Charter. The~~  
21 ~~council~~ and shall also levy taxes as required to meet the budgets approved by it, ~~in~~  
22 ~~accordance with Article 15 and~~ The council shall fix the salaries of the ~~tax assessor~~  
23 property appraiser, the tax collector, the sheriff, the supervisor of elections, and the  
24 clerk of the circuit and county court for Duval county, ~~and the clerk of the criminal~~  
25 ~~court for Duval county. In setting the salaries of these officials, the council shall not~~  
26 ~~set any salary but not lower than the highest salary provided for that office as set by~~  
27 ~~the charter of the city of Jacksonville, and effective on October 1, 1968 or as set~~  
28 authorized by the most recent general law as it may be from time to time amended  
29



1 setting a salary for those elected officials in counties similar in population to Duval  
2 county, ~~or as the salary was fixed on October 1, 1968 by general or special law. No~~  
3 ~~salary set by the council under this section pursuant to the preceding sentence shall be~~  
4 ~~reduced during the term of office of the elected officer receiving that salary. The~~  
5 ~~council shall be the judge of the elections and qualifications of councilmen. The council~~  
6 ~~shall also have such other powers as are given to it elsewhere in this charter. The~~  
7 ~~council shall provide for payment of reasonable per diem and travel expenses incurred in~~  
8 ~~travel and other duties performed for public purposes by officials and employees of the~~  
9 ~~consolidated government and its independent agencies and candidates for such positions,~~  
10 ~~and for payment of relocation expenses for new officials and employees thereof, subject~~  
11 ~~to the following limitations:~~

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

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

17 Section 3. Article 5 of the Charter is amended by adding a new Section 5.08 to  
18 read as follows:

19 **Section 5.08. Procedures.** The council shall meet regularly at least once in every  
20 month at such times and places as the council may prescribe. (Special) meetings may be  
21 held on call of the mayor or the president of the council, or seven or more members of  
22 the council, upon no less than twenty-four hours' notice to each member of the council.  
23 Fourteen members of the council shall constitute a quorum. The council may take  
24 official action only by the adoption of ordinances or resolutions, and no ordinance or  
25 resolution shall be passed until it has been read on three separate days, unless it is  
26 adopted as an emergency measure in the manner provided by general law. The council  
27 shall determine its own rules and order of business, keep a journal of its proceedings and  
28 annually select a president and a president pro tempore from its members.

1 Section 4. Section 6.06 of the Charter is repealed. Sections 6.015, 6.02, 6.03, 6.04  
2 and 6.05 are renumbered as Sections 6.02, 6.03, 6.04, 6.05 and 6.06, respectively.

3 Section 5. Section 6.04 of the Charter is amended to read as follows:

4 Section 6.04. Powers and duties of mayor. The executive power of the  
5 consolidated government (except such as is retained by the second, third, fourth and  
6 fifth urban services districts) is vested in the mayor, ~~and the departments and boards~~  
7 ~~created hereby or pursuant hereto. The mayor shall be who is the chief executive and~~  
8 administrative officer of the consolidated government. He shall be responsible for the  
9 conduct of the executive and administrative departments of the consolidated govern-  
10 ment. The mayor shall administer, supervise and control all departments and divisions  
11 ~~created by this charter and all departments and divisions created by ordinance or~~  
12 ~~resolution hereafter~~ the council. The mayor shall appoint ~~all~~ the directors and  
13 authorized deputy directors of each departments and ~~shall appoint~~ the chief of each  
14 division within ~~such~~ each department, subject to confirmation by the council, ~~All~~  
15 ~~directors and deputy directors of departments and all division chiefs appointed by the~~  
16 mayor and they shall serve at the pleasure of the mayor. The mayor is authorized to  
17 require any executive officer of the consolidated government to submit to him written  
18 or oral reports and information relating to the business and affairs of the consolidated  
19 government. The mayor shall from time to time submit reports and recommendations to  
20 the council with respect to the financial condition, business and general welfare of the  
21 consolidated government and all offices, departments and divisions thereof. The mayor  
22 shall submit to the council an annual budget for the consolidated government ~~as~~  
23 ~~provided for in article 15 of this charter.~~

24 Section 6. Within Article 7 of the Charter:

- 25 (a) Chapter 1 is repealed in its entirety and removed from the Charter;  
26 (b) Chapter 2 is removed from the Charter;  
27 (c) Chapter 3, with the exception of Section 7.303, is removed from the Charter;  
28 (d) Chapter 4, with the exception of Section 7.403, is removed from the Charter;

1 (e) Chapters 5, 6, 7, 8, 9 and 10 are removed from the Charter; and

2 (f) Sections 7.303 and 7.403 are renumbered as Sections 7.01 and 7.02,  
3 respectively.

4 Section 7. Sections 8.03, 8.031, 8.04, 8.05, 8.06 and 8.07 (previously made  
5 ordinances by Chapter 72-578, Laws of Florida) are removed from the Charter and  
6 Section 8.035 is renumbered as Section 8.03. Section 9.03 (previously made an ordinance  
7 by Chapter 72-578, Laws of Florida) is removed from the Charter and Section 9.035 is  
8 renumbered as Section 9.03. Section 10.03 (previously made an ordinance by Chapter  
9 72-578, Laws of Florida) is removed from the Charter and Section 10.035 is renumbered  
10 as Section 10.03. Sections 11.03 and 11.04 (previously made an ordinance by Chapter  
11 72-578, Laws of Florida) are removed from the Charter and Section 11.035 is  
12 renumbered as Section 11.03.

13 Section 8. Articles 12, 20 and 21 (previously made ordinances by Chapter 72-578,  
14 Laws of Florida) are removed from the Charter.

15 Section 9. Article 13 is redesignated as Article 12 and is amended as follows:

16 **ARTICLE ~~13~~ 12. JUDICIARY**

17 **~~CHAPTER 1. COURT SYSTEM~~**

18 **Section ~~13.101~~ 12.01. Certain courts continued.** The circuit court of the fourth  
19 judicial circuit of Florida in and for Duval county; and the county judges court of Duval  
20 county, ~~the criminal court of record of Duval county, the juvenile court of Duval~~  
21 ~~county, the small claims court of Duval county, and the justice of the peace court of~~  
22 ~~Duval county,~~ all as presently constituted under general and ~~special~~ law, shall continue  
23 in full force and effect; and all general and special laws applicable thereto shall  
24 continue in full force and effect except as herein expressly provided to the contrary.

25 **Section ~~13.102~~ 12.02. Elections.** The clerk of the circuit and county court, the  
26 ~~clerk of the criminal court of record, the states attorney; and~~ and the public defender, ~~and~~  
27 ~~the justices and constables of the justice of the peace courts of Duval county~~ shall be  
28 elected under the provisions of ~~existing~~ general and ~~special~~ law. The judges of the  
29

1 county judges court of Duval county, ~~the criminal court of record of Duval county, the~~  
2 ~~juvenile court of Duval county, the small claims court of Duval county, and the justices~~  
3 ~~of the justice of the peace courts of Duval county shall be elected in non-partisan~~  
4 ~~elections and are referred to as judicial officers in this section. Elections for the~~  
5 ~~justices of the justice of the peace courts of Duval county shall be within their~~  
6 ~~established districts. All candidates for such judicial offices shall conduct their~~  
7 ~~campaigns and their names shall be placed on the ballot without reference to political~~  
8 ~~party affiliation. No political party name, sign, slogan or emblem shall be used in such~~  
9 ~~campaigns or on such ballots. All of under the provisions of general law applying to the~~  
10 ~~non-partisan election of judicial offices shall apply to the election of the judicial~~  
11 ~~officers named in this section.~~

12 ~~Section 13-101~~ **12.03. Duties of council in respect to courts.**

13 (a) The council shall have the powers and duties with respect to the county  
14 judges' court of Duval county, ~~the criminal court of record of Duval county, the juvenile~~  
15 ~~court of Duval county, the small claims court of Duval county, and the justice of the~~  
16 ~~peace courts of Duval county, and the circuit court of the fourth judicial circuit in and~~  
17 ~~for Duval county, and their judges, clerks, constables and employees, which by general~~  
18 ~~or special law the board of county commissioners of Duval county had with respect to~~  
19 ~~those courts or to any predecessor courts prior to the effective date of this charter;~~  
20 ~~provided, however, that where any of the courts ~~named in this section,~~ or their judges,~~  
21 ~~clerks, constables or employees, are required to pay any amounts to the board of county~~  
22 ~~commissioners, all such payments shall be made to the tax collector, who shall account~~  
23 ~~to the council.~~

24 (b) The council shall have the power and the duty to ~~fix the salaries of the~~  
25 ~~judges of the small claims court of Duval county, the county judges court of Duval~~  
26 ~~county, the juvenile court of Duval county, the criminal court of Duval county, the~~  
27 ~~justice of the peace courts of Duval county, and the constables of Duval county, and to~~  
28 ~~provide a method for paying the salaries, and to appropriate funds for the maintenance~~

1 and operation of the administrative offices of those the circuit and county courts in  
2 Duval county. ~~The council shall not fix any of the above salaries at an amount less than~~  
3 ~~that fixed on the effective date of this act. The number and rate of compensation of~~  
4 ~~deputy constables in effect on the effective date of this act shall not be reduced.~~

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

17 ~~Section 13.104. Sheriff to continue as executive officer. The sheriff of Duval~~  
18 ~~county shall continue to serve as the executive officer of the county judges' court of~~  
19 ~~Duval county, the criminal court of record of Duval county, and the small claims court~~  
20 ~~of Duval county.~~

21 ~~Section 13.105 Constables to continue as executive officers. The constables of~~  
22 ~~the justice of the peace court districts shall continue to serve as the executive officers~~  
23 ~~of the justice of the peace courts of Duval county.~~

24 ~~Section 13.106 12.04. County judges' court not to issue licenses. The county~~  
25 ~~judges shall have no authority or duty to issue licenses required by law, except marriage~~  
26 ~~licenses.~~

27 ~~Section 13.107 12.05. Certain duties of juvenile circuit court eliminated. The~~  
28 ~~circuit court sitting as the juvenile court of Duval county shall have no duties or powers~~  
29

1 over the operation of child care programs of the consolidated government and shall not  
2 appoint a county board of visitors for Duval county.

3 ~~Section 13.108~~ 12.06. Clerk of the circuit and county court. The office of the  
4 clerk of the circuit and county court shall continue and all general and special laws  
5 applicable thereto and not in conflict with this act shall continue in full force and  
6 effect, except that the clerk of the circuit and county court shall be elected as herein  
7 provided and shall no longer have any duty or right to act as clerk of the board of county  
8 commissioners or the ex officio auditor of the county. The salary of the clerk of the  
9 circuit and county court shall be fixed by the city council.

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

14 ~~Section 13.110~~ 12.07. State attorney. The office of state attorney of the fourth  
15 judicial circuit in and for Duval county shall continue, and all general and special laws  
16 applicable thereto shall continue in full force and effect, except as herein expressly  
17 provided to the contrary.

18 ~~Section 13.111.~~ ~~Duval county medical examiner.~~ ~~The office of Duval county~~  
19 ~~medical examiner shall continue, and all general and special laws applicable thereto~~  
20 ~~shall continue in full force and effect except as herein expressly provided to the~~  
21 ~~contrary.~~

22 ~~Section 13.112~~ 12.08. Public defender. The office of public defender of the fourth  
23 judicial circuit in and for Duval county shall continue, and all general and special laws  
24 applicable thereto shall continue in full force and effect, except as herein expressly  
25 provided to the contrary.

26 ~~Section 13.113.~~ ~~Compensation of examining committees.~~ ~~The compensation to be~~  
27 ~~paid and allowed the members of examining committees appointed to examine or re-~~  
28 ~~examine alleged recalcitrant tuberculos persons, alleged epileptic and feeble minded~~

1 ~~persons, and alleged mental incompetents in lunacy proceedings in the city of~~  
2 ~~Jacksonville shall be fixed by the council. The minimum compensation for examination~~  
3 ~~including report shall be as follows: Ten Dollars (\$10.00) for a lay member who shall be~~  
4 ~~an intelligent and responsible citizen or Twenty Dollars (\$20.00) for a physician who~~  
5 ~~shall be a medical member and an additional fee of Twenty Dollars (\$20.00) for a~~  
6 ~~physician when called by the judge of the court to a hearing to testify in any of said~~  
7 ~~proceedings. Said compensation shall be paid by the city of Jacksonville from its funds~~  
8 ~~as provided by the council.~~

9       Section ~~13.114~~ 12.09. Time deposits by clerk of the circuit and county court. The  
10 clerk of the circuit and county court is authorized, without court order, to deposit any  
11 and all moneys paid into the registry of the court in interest-bearing time deposit in any  
12 designated depository as provided by chapter 43, Florida Statutes. All interest accruing  
13 from registry of court moneys while on time deposit shall be deemed income of the  
14 office of the clerk of the circuit and county court and shall be deposited in the same  
15 account as are other fees and commissions of said clerk's office.

16       Section ~~13.115~~ 12.10. Disposition of funds by clerk. Except as otherwise provided  
17 in the 1968 Florida Constitution, all public funds, except all funds in custody of the  
18 court pursuant to chapter 43, Florida Statutes, coming into the possession of the clerk  
19 of the circuit and county court of the fourth judicial circuit in and for Duval county  
20 which are due the consolidated government shall be promptly turned over to the tax  
21 collector on a daily basis. The city treasurer is authorized to promulgate regulations  
22 implementing this section, which may include provision for extensions of time under  
23 such reasonable circumstances as the city treasurer may determine.

#### 24                   ~~CHAPTER 2. MUNICIPAL COURTS~~

25       Chapter 2 is repealed in its entirety.

26       Section 10. Within Article 14, sections 14.04, 14.05 and 14.13 (previously made  
27 ordinances by Chapter 72-578, Laws of Florida) are removed from the Charter. Article  
28 14 is renumbered as Article 13. Sections 14.01, 14.02, 14.03, 14.06, 14.07, 14.08, 14.09,  
29

1 14.10, 14.11, 14.12 and 14.14 are renumbered as Sections 13.01, 13.02, 13.03, 13.04,  
2 13.05, 13.06, 13.07, 13.08, 13.09, 13.10 and 13.11, respectively. The catchline of Section  
3 13.10 is amended to read **School budget not reviewed by council**. The last two  
4 unnumbered sections of former Article 14, designated as Sections 14.15 and 14.16 in the  
5 printed charter adopted by Resolution 77-1142-376, are renumbered as Sections 13.12  
6 and 13.13, respectively; Section 13.12 is entitled **Transfer of property** and Section 13.13  
7 is entitled **Provision for legal holidays in calculation of compensation**.

8 Section 11. Article 15 is renumbered as Article 14 and redesignated as **FINANCE**  
9 **AND TAXATION**. Sections 15.03, 15.05 and 15.08 are renumbered as Sections 14.01,  
10 14.02 and 14.03, respectively.

11 Section 12. Article 16 of the Charter, except as provided in this section, is hereby  
12 repealed and removed from the Charter. Sections 16.02, 16.06 and 16.08 are transferred  
13 to the new Article 14 (as renumbered by Section 11) and renumbered as Sections 14.04,  
14 14.05 and 14.06, respectively.

15 Section 13. Article 17 of the Charter, including Section 17.08, is renumbered as  
16 Article 15. Section 17.08 is renumbered as Section 15.01.

17 Section 14. Article 18 is renumbered as Article 16. Sections 18.01, 18.02, 18.03  
18 and 18.05 are renumbered as Sections 16.01, 16.02, 16.03 and 16.04, respectively.

19 Section 15. Article 19 is renumbered as Article 17. Sections 19.01, 19.02, 19.03,  
20 19.04, 19.05, 19.06, 19.07, 19.08, 19.09, 19.10 and 19.11 are renumbered as Sections  
21 17.01, 17.02, 17.03, 17.04, 17.05, 17.06, 17.07, 17.08, 17.09, 17.10 and 17.11,  
22 respectively.

23 Section 16. Article 22 of the Charter, except as provided in this section, is  
24 repealed and removed from the Charter, as its provisions have been executed. Sections  
25 22.02 and 22.08 are transferred to Article 18 (as renumbered by Section 17) and  
26 renumbered as Sections 18.08 and 18.04, respectively.  
27  
28  
29



1 Section 17. Article 23 is renumbered as Article 18. Sections 23.02 and 23.06 are  
2 repealed and removed from the Charter. Sections 23.01, 23.03, 23.04, 23.05 and 23.07  
3 are renumbered as Sections 18.01, 18.02, 18.03, 18.05 and 18.06, respectively.

4 Section 18. Section 18.01 of the Charter is amended to read as follows:

5 Section 18.01. ~~Authority to compel attendance of witnesses and productions of~~  
6 ~~documents~~ issue subpoenas and administer oaths. The council, the civil service board,  
7 the building codes adjustment board, and every other officer and agency of the  
8 consolidated government authorized ~~hereby~~ by the council to conduct investigations or  
9 to hold hearings shall have the power to compel the attendance of witnesses and  
10 production of books, papers and records pertinent to the investigation or hearing, and to  
11 administer oaths to witnesses. Any person who fails or refuses to obey a reasonable  
12 order for attendance or for the production of books and papers shall be guilty of a  
13 misdemeanor and punishable by a fine of not more than \$1,000 (one thousand dollars) or  
14 by imprisonment for not more than 90 (ninety) days, or both.

15 Section 19. Section 18.02 of the Charter is amended to read as follows:

16 Section 18.02. ~~Consolidated government to constitute county and municipality.~~  
17 For all purposes of general law, the consolidated government shall constitute a county  
18 and a municipality. If the general laws applicable to counties and municipalities  
19 conflict in any respect, the council may elect and determine whether the consolidated  
20 government shall be considered a county or a municipality for the purpose of such  
21 conflicting laws and, in making such election, may determine in any case that the first  
22 urban services districts shall be considered to be ~~municipalities~~ a municipality and the  
23 general services district considered to be a county. The second, third, fourth and fifth  
24 urban services districts shall, for all intents and purposes, be considered as separate  
25 municipalities.

26 Section 20. Article 24 of the Charter is repealed and removed from the Charter.  
27 Section 24.01 is transferred to Article 18 (as renumbered by Section 17) and renumbered  
28 as Section 18.07. Section 18.07 is amended to read as follows:  
29

1 Section 18.07. Definitions. For all purposes of this charter the following terms  
2 shall have the following meanings:

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

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

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

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

12 (5) "Former governments" shall mean the former county government of Duval  
13 county, the former municipal government of the city of Jacksonville, the former city of  
14 Jacksonville Beach, the former city of Atlantic Beach, the former city of Neptune  
15 Beach, the former town of Baldwin, the former Duval county air improvement authority,  
16 the former east Duval county mosquito control district, and the former northeast Duval  
17 county mosquito control district, and all boards, bodies, officers and agencies of any of  
18 them.

19 (6) ~~"General services district" shall mean the total area of Duval county.~~

20 (7) "Independent agencies" shall mean the Duval county school board of public  
21 instruction, the Jacksonville port authority, the Jacksonville Duval area planning board,  
22 the Jacksonville expressway transportation authority, the Jacksonville electric author-  
23 ity, the Jacksonville downtown development authority and the Duval county hospital  
24 authority of Duval county.

25 (8) ~~"School board" shall mean the Duval county board of public instruction.~~

26 (9) ~~"School board districts" shall mean the seven (7) districts from which school~~  
27 ~~board members are elected. The seven (7) school board districts are initially described~~

1 ~~in appendix 2 to this charter, but may be altered or changed as provided in section 14.03~~  
2 ~~of this charter.~~

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

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

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

12 Section 21. Article 25 of the Charter is repealed and removed from the Charter.  
13 Sections 25.01 and 25.02 are transferred to Article 14 (as renumbered by Section 11) and  
14 renumbered as Sections 14.07 and 14.08, respectively.

15 Section 22. Article 26 of the Charter, except for Section 26.04, is repealed and  
16 removed from the Charter, as its provisions have been executed. Section 26.04 is trans-  
17 ferred to Article 18 (as renumbered by Section 17) and renumbered as Section 18.09.

18 Section 23. Article 27 is renumbered as Article 19. Sections 27.101, 27.102,  
19 27.201, 27.202, 27.203, 27.204, 27.205, 27.206, 27.207, 27.208, 27.209 and 27.210 are  
20 renumbered as Sections 19.101, 19.102, 19.201, 19.202, 19.203, 19.204, 19.205, 19.206,  
21 19.207, 19.208, 19.209 and 19.210, respectively.

22 Section 24. Article 28 is renumbered as Article 20. Sections 28.101, 28.102,  
23 28.103, 28.104, 28.105, 28.106, 28.107, 28.108 and 28.109 are renumbered as Sections  
24 20.01, 20.02, 20.03, 20.04, 20.05, 20.06, 20.07, 20.08 and 20.09, respectively. The  
25 renumbered sections are entitled as follows:

26 20.01. Authority created.

27 20.02. Definitions.

28 20.03. Ordinance declaring need required.

1 20.04. Governing body.

2 20.05. Powers and duties.

3 20.06. Fiscal and budgetary functions.

4 20.07. Utilization of central services.

5 20.08. Employees.

6 20.09. Execution of instruments; examination of claims.

7 Section 25. Article 30 of the Charter is renumbered as Article 21. Sections 30.01,  
8 30.02, 30.03, 30.04, 30.05, 30.06, 30.07, 30.08, 30.09, 30.10 and 30.11 are renumbered as  
9 Sections 21.01, 21.02, 21.03, 21.04, 21.05, 21.06, 21.07, 21.08, 21.09, 21.10 and 21.11,  
10 respectively.

11 Section 26. Section 13.03 is amended to read as follows:

12 Section 13.03 Apportionment of school board districts.—Within six (6) months  
13 after publication of each official federal census of Duval county, the ~~Jacksonville Duval~~  
14 ~~area planning board council~~ shall apportion the seven school board districts so that all  
15 districts are as nearly equal in population as practicable. In the event that the  
16 ~~Jacksonville Duval area planning board council~~ shall be unable to complete the  
17 apportionment of the school board districts within six (6) months after the publication of  
18 that census, the city's general counsel shall petition the circuit court for the judicial  
19 circuit having jurisdiction over Duval county to make such apportionment. Any  
20 apportionment of the school board districts made pursuant to this section ~~14.03~~ 13.03  
21 shall not affect any term of office in existence at the date of such apportionment but  
22 shall be applicable only to the next succeeding school board election.

23 *Delete* Section 27. All sections of the Charter which have been repealed by this  
24 ordinance shall become ordinances of the City upon the effective date of this ordinance,  
25 subject to amendment and repeal as other ordinances. Within three months from the  
26 effective date of this ordinance, the Chief Legislative Counsel is directed to prepare  
27 and transmit to the Council appropriate legislation either to codify these ordinances as  
28  
29

1 part of the Ordinance Code or to repeal such of them as are unnecessary, redundant or  
2 executed.

3 Section 28. This ordinance shall become effective upon signature by the Mayor or  
4 upon becoming effective without the Mayor's signature.

5 Form approved:

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7 \_\_\_\_\_  
Assistant Counsel

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9 \_\_\_\_\_  
General Counsel

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