

(c) Serve on the board of directors or board of trustees of any entity, which either directly or indirectly receives funds from the Palm Beach County Health Care District.

(12) All current district board members' terms of office shall end on September 30, 1992, except the term of the Palm Beach County Public Health Unit Director. Any member of the current board may be reappointed if he or she meets the requirements of this act.

Section 2. If any section, subsection, sentence, clause, or phrase of this act is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this act.

Section 3. This act shall take effect August 30, 1992.

Approved by the Governor July 2, 1992.

Filed in Office Secretary of State July 2, 1992.

CHAPTER 92-341

House Bill No. 13-H

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

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

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

WHEREAS, provisions of said charter have been amended, repealed, and otherwise revised by the Legislature since adoption after electorate approval, and

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

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

WHEREAS, by virtue of such actions by the Legislature and city council, said charter should be readopted in its current form, as amended, and all such special acts which have heretofore amended, repealed, or otherwise revised provisions of

said charter should be repealed, in order to facilitate the use, review analysis, and other references to said charter, NOW, THEREFORE,

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

Section 1. Readoption of charter.—The Charter of the City of Jacksonville, chapter 67-1320, Laws of Florida, as amended, is readopted to read:

ARTICLE 1. GOVERNMENT

Section 1.01. Consolidated government.—

(a) The county government of Duval County, the municipal government of the City of Jacksonville, the Duval County Air Improvement Authority, the east Duval County Mosquito Control District, the northeast Duval County Mosquito Control District, and all boards, bodies, and officers thereof were and are consolidated into a single body politic and corporate pursuant to the power granted by former s. 9 of Article VIII of the Constitution of 1885, as amended, of the State of Florida, which section was continued by and remains in full force and effect under s. 6(e) of Article VIII of the Constitution of the State of Florida. The name of the consolidated government is City of Jacksonville (herein called "city" or "consolidated government"). The consolidated government succeeds to and possesses all the properties (of whatever nature), rights, capacities, privileges, powers, franchises, immunities, liabilities, obligations, and duties of the former governments and former special districts named in the first sentence of this subsection, without including or affecting the existence, properties, rights, capacities, privileges, powers, franchises, immunities, liabilities, obligations, and duties of the Cities of Jacksonville Beach, Atlantic Beach, and Neptune Beach and the Town of Baldwin. The consolidated government shall have perpetual existence and shall have only such officers, departments, and other agencies as are provided in this charter or as may be established by the council.

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

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

(a) The territories of the Cities of Jacksonville Beach, Atlantic Beach, and Neptune Beach and the Town of Baldwin were and are also consolidated into the territory of the consolidated government. The Cities of Jacksonville Beach, Atlantic Beach, and Neptune Beach and the Town of Baldwin shall each continue to exist and have and retain the same local governmental structure, boards, bodies, officers, laws, municipal charters, and special acts which existed in those areas on September 30, 1968, unless changed in accordance with law. The persons who were officers and members of boards and bodies of the Cities of Jacksonville Beach, Atlantic Beach, and Neptune Beach and the Town of Baldwin on September 30, 1968, continued after that date to occupy the same position and were entitled to the same compensation therefor, unless changed in accordance with law. All such boards, bodies, and officers continue since October 1, 1968, to be elected at the times, in the manner, and for the terms which were provided under their respective

civil service system position shall be automatically abolished without the necessity for approval by the city civil service board and the position shall thereafter be a part of and subject to the State Career Service System. Notwithstanding the transfer of said position from the civil service system of the city to the State Career Service System, all employees, whether city employees or state employees, who meet the eligibility requirements of either the city civil service system or the State Career Service System for taking the promotional examination to be held with 60 days after said position becomes vacant, shall be eligible to take said examination; but any person who is appointed to fill said vacant position shall be or become a member of the State Career Service System without any election, whether or not he was a member thereof before said appointment. Any city employee who is appointed to a vacant state position under the provisions of this paragraph shall be deemed to have transferred to the State Career Service System and the transfer provisions of subparagraphs (b)(1)(ii) and (iii) shall apply thereto.

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

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

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

CHAPTER 2. OFFICE OF GENERAL COUNSEL

Part 1. General Provisions

Section 7.201. Office established; general responsibility.—There is established a department of the City of Jacksonville to be known as the office of general counsel, which shall have the responsibility for furnishing legal services to the city and its independent agencies, except that the council may create an office of legislative counsel within the legislative branch whose purpose shall be to advise and assist the council and its committees and members in the achievement of a clear, faithful and coherent expression of legislative policies and to perform such other related duties for the council as the council may by ordinance direct. For purposes of utilization of central services by the city and its independent agencies, the services of the office of general counsel shall be deemed to be central services or services of the central service department, as the case may be. The general counsel shall pro-

vide to any member of the Duval County legislative delegation who resides in Duval County upon request an opinion on any matter relative to the government of the City of Jacksonville or any of its independent agencies.

Section 7.202. General counsel.—The head of the office of general counsel shall be the general counsel who shall be the chief legal officer for the entire consolidated government, including its independent agencies. The general counsel shall devote his entire time and attention to the business of the office and shall not engage in the private practice of law. Any legal opinion rendered by the general counsel shall constitute the final authority for the resolution or interpretation of any legal issue relative to the entire consolidated government and shall be considered valid and binding in its application unless and until it is overruled or modified by a court of competent jurisdiction or an opinion of the Attorney General of the State of Florida dealing with a matter of state involvement or concern.

Section 7.203. Selection and term of general counsel.—The general counsel shall be an attorney licensed to practice law in the State of Florida and shall have at least 5 years' experience in the practice of law. The general counsel shall be selected according to the following procedure. Upon the commencement of each mayoral term of office, the mayor shall appoint a selection committee comprised of five attorneys licensed to practice in the State of Florida. No more than two of the members of this committee shall be former general counsels of the city. The mayor shall endeavor to appoint two former general counsels to the committee, but in the event either or both refuse to serve, then the mayor shall appoint an attorney licensed to practice in the State of Florida in the stead of either or both. The selection committee shall receive applications and may consider applicants of its own choosing. The committee shall select three qualified and available candidates to serve as general counsel and shall recommend these three to the mayor who shall select one to serve as general counsel. In the event that the mayor refuses to select one of the three as recommended, then the committee shall conduct another search and recommend an additional three candidates to the mayor. This procedure shall continue until the mayor has made his selection. The person selected to serve as general counsel by the mayor shall be confirmed by the council. The term of the general counsel shall coincide with the term of the mayor that appointed him.

Section 7.204. Reappointment.—A general counsel may be reappointed by a newly elected mayor or by a mayor elected to serve a succeeding term of office. The reappointment of a general counsel shall be confirmed by the council. Any general counsel who is reappointed by the mayor but who fails to receive the confirmation of council may, at the option of the mayor, continue to serve for a period of 6 months subsequent to the refusal of the council to confirm him. The mayor may resubmit the general counsel to the council for confirmation at any time during this 6-month period. In the event the general counsel is not confirmed by the council, then the position of general counsel shall become vacant and shall be filled according to the provisions of section 7.203.

Section 7.205. Vacancy.—A vacancy occurring 1 year or less before the expiration of the mayoral term shall be filled by an acting general counsel appointed by the mayor and confirmed by the council. A vacancy occurring more than 1 year before the expiration of the mayoral term shall be filled in the manner provided in section 7.203.

Section 7.206. Removal.—The general counsel may be removed by the mayor, but such removal shall be only for cause. The removal of a general counsel by the mayor for cause shall be concurred in by a majority of the membership of the council.

Section 7.207. Assistant counsels.—The general counsel shall appoint assistant counsels and fix their compensation, subject to the approval of the mayor. The assistant counsels shall devote their entire time and attention to the business of the office and shall not engage in the private practice of law.

Section 7.208. Corporation secretary.—Subject to applicable civil service laws and rules, the general counsel shall designate one of his employees as corporation secretary.

Section 7.209. Duties of corporation secretary.—The corporation secretary shall be responsible for the custody and safekeeping of such records of the executive office of the mayor as the mayor shall designate and for the performance of such additional duties as may be delegated to him by the mayor. The corporation secretary is authorized and entitled to keep in his possession a duplicate official seal of the city and to affix the seal on all papers and documents necessary to be executed by the mayor and on all certified copies of public records of which he has custody.

Section 7.210. Litigation imprest fund.—There is authorized to be established in the office of general counsel, in the custody of the general counsel, a litigation imprest fund of not exceeding \$500, which shall be available, without regard to fiscal years, for the expenses of litigation conducted or defended by the office of general counsel, including filing fees for actions commenced by the city or an independent agency in a state or federal court and for appeals taken by the city or an independent agency, witness fees required to be tendered to persons subpoenaed on behalf of the city or an independent agency, fees for service of process for designated agents within the city and for the several sheriffs of designated agents in other counties of the state or elsewhere, the reproduction or acquisition of necessary documentary evidence not in the official possession of the city or an independent agency to be used at a deposition, hearing, or trial, and similar expenses directly related to cases in litigation, but not including fees for special counsels or the payment of a monetary judgment against the city or an independent agency. The litigation imprest fund shall be maintained as a checking account in a bank located in the city and the general counsel shall prescribe rules for the withdrawal of funds from this checking account, including a requirement that checks be signed by at least two individuals in the office of general counsel. Periodically, as determined by the general counsel, a statement of the disbursements from the litigation imprest fund shall be presented to the city accountant, with such supporting documents as the city accountant requires, for reimbursements of the fund. Bank service charges shall be a proper expense item of the litigation imprest fund.

Part 2. Support Enforcement Activity

Section 7.211. Establishment.—There is established within the office of general counsel an activity to be known as the support enforcement activity. This activity shall be under the supervision of an assistant counsel, who shall be appointed by the general counsel at a rate of compensation to be fixed from time to time by the general counsel, subject to the approval of the mayor. This assistant counsel

shall be a member in good standing of The Florida Bar and shall devote his entire time and attention to the performance of his duties.

Section 7.212. Lawful general county purpose; territorial application.—The establishment and maintenance of the support enforcement activity is a public need and is hereby declared to be a lawful general county purpose. The support enforcement activity shall have authority throughout the general services district and it may exercise like authority in any other county as provided in section 25.204 of the Ordinance Code of the City of Jacksonville.

Section 7.213. Functions.—Subject to the general supervision of the general counsel, the support enforcement activity shall investigate and enforce all cases referred to it by the child support enforcement unit, state Department of Health and Rehabilitative Services, and more particularly:

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

Section 7.214. Expansion of activity into other counties authorized.—

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

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

Section 7.215. Authority to execute contracts.—The mayor and corporation secretary shall have the authority to enter into contracts between the city and the

State of Florida and its agencies and also with other counties to provide for financial and other support that may be made available by the state or the counties for the operation of the support enforcement activity. A contract which would obligate the city financially may not be executed without prior approval from the council.

Section 7.216. Nonpublic assistance cases authorized.—The support enforcement activity is authorized to accept cases not referred to it under section 25.204 of the Ordinance Code of the City of Jacksonville in which there already exist court orders for child support entered by the courts of this state or any other jurisdiction and may, with respect to these cases, request the circuit court to enforce the orders, using contempt proceedings only. The general counsel, assistant general counsel, or an assistant counsel assigned to the support enforcement activity may represent private individuals for the purpose of seeking enforcement of court orders for child support as provided in this section and the general counsel shall establish a schedule of fees to be charged in these cases, which schedule may provide for the charging of no fee in appropriate instances and a requirement that public assistance moneys being furnished to a client be used to pay a fee so charged. The support enforcement activity may conduct investigations and handle ancillary matters connected with the cases hereby authorized to be accepted as shall be necessary to effect the purpose expressed in this section. The authority granted under sections 25.204 and 25.206 of the Ordinance Code of the City of Jacksonville shall apply to the cases authorized under this section.

Part 3. Duval County Legislative Delegation Activity

Section 7.217. Establishment; legislative delegation coordinator.—There is established within the office of general counsel an activity to be known as the Duval County legislative delegation activity. This activity shall be under the supervision of a legislative delegation coordinator, who shall be exempt from the classified civil service system of the city and who shall be appointed by the general counsel at a rate of compensation to be fixed from time to time by the general counsel, subject to the approval of the mayor and the chairman of the Duval County delegation to the Legislature. The legislative delegation coordinator shall serve at the pleasure of the chairman of the Duval County delegation to the Legislature and shall devote his entire time and attention to the performance of his duties.

Section 7.218. Legislative delegation secretary.—The general counsel is authorized to appoint a legislative delegation secretary, who shall be exempt from the classified civil service system of the city, at a rate of compensation to be fixed from time to time by the general counsel, subject to the approval of the chairman of the Duval County delegation to the Legislature. The legislative delegation secretary shall devote his entire time and attention to the performance of his duties.

Section 7.219. Functions.—Subject to the general supervision of the general counsel, the Duval County legislative delegation activity shall have the following functions:

(a) To provide a local office at which to maintain the records and files of the Duval County delegation to the Legislature.

(b) To assist the chairman and members of the Duval County legislative delegation in preparing for sessions of the Legislature, meetings of committees and subcommittees of the Legislature, and meetings of and hearings by the delegation itself.

(c) To serve as a liaison office between the Duval County legislative delegation and the units of local government represented by the members of the Duval County legislative delegation.

Section 7.220. Legislative delegation coordinator and secretary to attend sessions of Legislature, etc.—The legislative delegation coordinator and legislative delegation secretary shall attend sessions of the Legislature, meetings of committees and subcommittees of the Legislature, and meetings of and hearings by the Duval County legislative delegation itself, as directed by the chairman of the Duval County legislative delegation. While attending the sessions of the Legislature and meetings of committees and subcommittees in the Legislature and meetings of committees and subcommittees in Tallahassee and elsewhere in the state (except in the city), the legislative delegation coordinator and legislative delegation secretary shall receive travel expense reimbursement as authorized by section 106.716 of the Ordinance Code of the City of Jacksonville.

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. When deemed necessary, the sheriff may contract for traffic engineering services to be provided by an independent engineer or engineering firm, with the approval of the council. He shall administer the prison farm and jails, and shall be responsible for service of civil process.

Section 8.02. Qualifications, election, terms, compensation.—The sheriff shall be a qualified elector of and reside in Duval County, and shall have resided in and been a qualified elector of Duval County for at least 183 consecutive days immediately before the date on which he or she qualifies to run for the office of sheriff. The sheriff shall be elected by the qualified electors of Duval County for a period of 4 years and shall assume office on the first day of July following his or her election and serve until his or her successor is elected and qualified. The sheriff shall devote his or her entire time to the performance of the duties of his or her office and shall hold no other public office or public employment except that he or she may be a notary public or a member of the armed forces. The compensation of the sheriff shall be fixed by the city council.

Section 8.03. Vacancy.—If the sheriff should die, resign, or remove his residence from Duval County during his term of office, or be removed from office, the office of sheriff shall become vacant. A vacancy in the office of sheriff shall be filled in the following manner:

(a) An incumbent sheriff who resigns in order to seek a state or federal office in the general statewide election held in November immediately preceding the last year of his term, shall submit his resignation at least 10 days prior to the first day of the qualifying period for the office to which he seeks election and his resignation shall be effective no later than the date on which the general statewide election is held. A vacancy in the office of sheriff shall exist as of the effective date of the resignation. In the event a sheriff's resignation should be effective before the date of the general statewide election, then the vacancy in the office of sheriff shall be temporarily filled with an acting sheriff who shall be appointed by the Governor and who shall serve until a successor sheriff is qualified and elected. A candidate