

Office of General Counsel City Council & Independent Agencies



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City Council & Independent Agencies



ALL ROADS LEAD TO CITY COUNCIL



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SOURCES OF APPLICABLE LAW:

- **Florida Constitution**
- **City Charter**
- **Ordinance Code**



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- Florida Constitution

→ Articles and Sections which pertain to School Boards, County Officers such as the sheriff and others

→ Jacksonville Consolidation Amendment

(Article VIII, Section 6(e) – 1968)

(Article VIII, Section 9 – 1885, as amended in 1934)

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Jacksonville Consolidation Amendment

- SECTION 6. Schedule to Article VIII.—

(a) This article shall replace all of Article VIII of the Constitution of 1885, as amended, except those sections expressly retained and made a part of this article by reference.

* * *

(e) CONSOLIDATION AND HOME RULE. Article VIII, Sections 9 (FN 1), 10 (FN 2), 11 (FN 3) and 24 (FN 4), of the Constitution of 1885, as amended, shall remain in full force and effect as to each county affected, as if this article had not been adopted, until that county shall expressly adopt a charter or home rule plan pursuant to this article. All provisions of the Metropolitan Dade County Home Rule Charter, heretofore or hereafter adopted by the electors of Dade County pursuant to 3Article VIII, Section 11, of the Constitution of 1885, as amended, shall be valid, and any amendments to such charter shall be valid; provided that the said provisions of such charter and the said amendments thereto are authorized under said 3Article VIII, Section 11, of the Constitution of 1885, as amended (emphasis added).

* * *

1 Note.—Section 9 of Art. VIII of the Constitution of 1885, as amended, reads as follows:

SECTION 9. Legislative power over city of Jacksonville and Duval County.—The Legislature shall have power to establish, alter or abolish, a Municipal corporation to be known as the City of Jacksonville, extending territorially throughout the present limits of Duval County, in the place of any or all county, district, municipal and local governments, boards, bodies and officers, constitutional or statutory, legislative, executive, judicial, or administrative, and shall prescribe the jurisdiction, powers, duties and functions of such municipal corporation, its legislative, executive, judicial and administrative departments and its boards, bodies and officers; to divide the territory included in such municipality into subordinate districts, and to prescribe a just and reasonable system of taxation for such municipality and districts; and to fix the liability of such municipality and districts. Bonded and other indebtedness, existing at the time of the establishment of such municipality, shall be enforceable only against property theretofore taxable therefor. The Legislature shall, from time to time, determine what portion of said municipality is a rural area, and a homestead in such rural area shall not be limited as if in a city or town. Such municipality may exercise all the powers of a municipal corporation and shall also be recognized as one of the legal political divisions of the State with the duties and obligations of a county and shall be entitled to all the powers, rights and privileges, including representation in the State Legislature, which would accrue to it if it were a county. All property of Duval County and of the municipalities in said county shall vest in such municipal corporation when established as herein provided. The offices of Clerk of the Circuit Court and Sheriff shall not be abolished but the Legislature may prescribe the time when, and the method by which, such offices shall be filled and the compensation to be paid to such officers and may vest in them additional powers and duties. No county office shall be abolished or consolidated with another office without making provision for the performance of all State duties now or hereafter prescribed by law to be performed by such county officer. Nothing contained herein shall affect Section 20 of Article III of the Constitution of the State of Florida, except as to such provisions therein as relate to regulating the jurisdiction and duties of any class of officers, to summoning and impanelling grand and petit jurors, to assessing and collecting taxes for county purposes and to regulating the fees and compensation of county officers. No law authorizing the establishing or abolishing of such Municipal corporation pursuant to this Section, shall become operative or effective until approved by a majority of the qualified electors participating in an election held in said County, but so long as such Municipal corporation exists under this Section the Legislature may amend or extend the law authorizing the same without referendum to the qualified voters unless the Legislative act providing for such amendment or extension shall provide for such referendum (emphasis added).

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- Charter contains provisions concerning the Independent Agencies
- Charter contains provisions concerning 5 Constitutional Officers
- Charter contains other provisions affecting the powers and obligations of the City; traditional separation of powers



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- An independent agency:
 - is a body politic and corporate
 - has its own executive & policy making powers
 - has a relationship with the City (each to varying degrees) with respect to central services and budgetary review

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- Duval County School Board
Article 13, Charter
- Jacksonville Police & Fire Pension Fund (BOT)
Article 22, Charter
- Jacksonville Aviation Authority (JAA)
Part B, Article 4
- Jacksonville Port Authority (JPA)
Part B, Article 5
- Jacksonville Housing Authority (JHA)
Chapter 51A, Ordinance Code

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- Jacksonville Transportation Authority
Chapter 349, Florida Statutes
- JEA
Article 21, Charter

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- Article 21, Section 21.04(p) (Powers)

Nothing in this article shall authorize or be construed to authorize JEA to transfer any function or operation which comprises more than ten percent of the total of the utilities system by sale, lease or otherwise to any other utility, public or private without approval of the council; provided, however, that no approval by the council shall become effective without subsequent referendum approval of the terms and conditions of the sale.

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- Article 21, Section 21.05 (Construction)

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

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- Amend the Charter.
- 4 ways:
 - (1) ordinance by the City Council
 - (2) ordinance approved by referendum
 - (3) special act of the Florida Legislature
 - (4) referendum by petition

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- Article 21, Section 21.11 (Legislative authority of council)
Notwithstanding any provision of this charter to the contrary, the council may repeal or amend any portion of this article, by two-thirds vote of the membership of the council. A public hearing on the adoption of the ordinance shall be advertised in substantially the same manner as the council is required to advertise its intention pursuant to s. 200.065, Florida Statutes, and held not earlier than 30 days after the introduction of the ordinance into the council. The council shall take final action on the ordinance only after the expiration of 60 days after the advertised public hearing, and no ordinance shall be enacted except by a two-thirds vote of the entire council. If the mayor disapproves the ordinance, the council may enact it notwithstanding such disapproval only by a four-fifths vote of the entire council.

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