

LAWS OF FLORIDA CHAPTER 67-1320

Section 2. Section 1 hereof shall apply to any employee retiring after June 1, 1967.

Section 3. This act shall take effect upon its becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State August 4, 1967.

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House Bill No. 3029

AN ACT to create a single consolidated government of Duval County, the city of Jacksonville, the city of Jacksonville Beach, the city of Atlantic Beach, the city of Neptune Beach, and the town of Baldwin, the Duval County air improvement authority, the east Duval County mosquito control district, and the northeast Duval County mosquito control district (all of which are herein called "the former governments"), and all boards, bodies and officers of such former governments; providing for the consolidation of such former governments and their boards, bodies, and officers into a single body politic and corporate pursuant to the powers granted by section 9, article VIII, of the Constitution of the state of Florida; providing that the name of the single government created hereby shall be the city of Jacksonville (herein called the "consolidated government"); providing for the transfer and succession of all the properties, rights, capacities, privileges, powers, franchises and immunities of such former governments to the consolidated government created herein; providing for the powers and organization and territorial limits of the consolidated government created herein; providing for referendum of this act to a popular election by the electors of Duval County; providing an effective date.

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

ARTICLE 1

ONE GOVERNMENT

Section 1.01. *Creation of a Single Government.* The county government of Duval County, the city of Jacksonville, the city

of Jacksonville Beach, the city of Atlantic Beach, the city of Neptune Beach and the town of Baldwin, the Duval County air improvement authority, the east Duval County mosquito control district, and the northeast Duval County mosquito control district (all of which are herein called the "former governments"), and all boards, bodies and officers of such former governments, are hereby consolidated into a single body politic and corporate pursuant to the power granted by section 9 of article VIII of the Constitution of the state of Florida. The name of the new consolidated government shall be the city of Jacksonville (herein called the "consolidated government"). The consolidated government shall, without other transfer, succeed to and possess all the properties (of whatever nature), rights, capacities, privileges, powers, franchises and immunities, and be subject to all of the liabilities, obligations and duties of the former governments from and after the effective date of this charter. The consolidated government shall have perpetual existence, and shall have only such officers, departments and boards as are provided in this charter or are hereafter created pursuant to this charter.

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

ARTICLE 2

GENERAL AND URBAN SERVICE DISTRICTS

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

Section 2.02. *Expansion of Urban Services Districts.* The

area of an urban services district may, from time to time, be expanded and its territorial limits extended by the council whenever the council determines that a particular area of the consolidated government outside the urban services districts needs urban services and the consolidated government is able to provide such services. No area may be designated as a part of an urban services district unless the consolidated government provides to such area all governmental services which the consolidated government is then providing within such urban services district within a reasonable period of time, which shall not be longer than one year after the particular area is included in the urban services district. The tax levy on property in areas hereafter becoming part of an urban services district shall not include any item for the payment of general obligation bonds issued by the urban services district prior to the date when the particular area became a part of the urban services district. Any area which becomes a part of an urban services district pursuant hereto shall become a part of the nearest urban services district.

Section 2.03. *Consolidation of Urban Services Districts.* The two initial urban services districts may be consolidated into a single urban services district by ordinance adopted by two-thirds of the members of the council. If the two initial urban services districts are consolidated, the tax levy on property formerly included in one of the urban services districts shall not include any item for the item for the payment of general obligation bonds issued by the other former urban services district.

Section 2.04. *Services in the General Services District.* Throughout the entire general services district the consolidated government shall furnish the following governmental services: airports, agricultural agent, child care, courts, electricity, fire protection, health, hospitals, library, police protection, recreation and parks, schools, streets and highways, traffic engineering, and welfare services. The foregoing enumeration is intended as a list of those governmental services which shall be performed by the consolidated government within the general services district and is not intended to limit the rights of the consolidated government to perform other governmental services within the general services district.

Section 2.05. *Additional Services in Urban Services Dis-*

tricts. In addition to the services provided to the general services district, the consolidated government shall furnish the following additional services within the urban services districts: water supply, sanitary sewers, street lighting, street cleaning and garbage and refuse collection. The foregoing enumeration is intended as a list of those governmental services which shall be performed by the consolidated government within the urban services districts and is not intended to limit the rights of the consolidated government to perform other governmental services within the urban services districts.

Section 2.06. *Homestead Law.* That part of the general services district not included on the effective date of this charter in the urban services districts shall be deemed to be a rural area and a homestead in such rural area shall not be limited as if in a city or town. Whenever any urban service district is altered, created or expanded pursuant to this charter or legislative act, a homestead within such urban service district shall be limited as if in a city or town.

ARTICLE 3

POWERS OF THE CONSOLIDATED GOVERNMENT

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

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

1. To levy and collect taxes upon all property except property exempt from taxation by general law.
2. To levy and collect taxes upon all taxable privileges and to license and regulate such privileges and privileged occupations except as prohibited by law.
3. To make appropriations for the support of the consolidated government, for any other purpose authorized by this charter and for any purpose for which a county or city is authorized by general law to appropriate; and to provide for the payment of the debts and expenses of the former governments to which it is the successor.
4. To borrow money for governmental purposes, subject to the limitations of the Constitution of the state of Florida.
5. To make special assessments within the consolidated government.
6. To accept or refuse gifts, donations, bequests or grants from any source for any purpose related to the powers and duties of the consolidated government.
7. To provide and maintain a system of pensions and retirement for officers and employees of the consolidated government and the former governments to which it is the successor.
8. To collect service charges to defray installation costs and operating expenses incurred to furnish beyond the limits of the urban services districts services which are a function of the urban services districts.
9. To enter into contracts and agreements with other governmental entities and with private persons, firms and corporations providing for services to be furnished and payments to be received therefor or for services to be received and payments to be made therefor.
10. To make regulations and take actions to promote the general health, welfare and safety of the inhabitants and to prevent, abate and remove nuisances.
11. To establish, maintain and operate public hospitals, sanatoria, convalescent homes, clinics and other public insti-

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- tutions, homes and facilities for the care of children, sick, the mentally deficient, the aged, and the destitute.
12. To collect and dispose of garbage and other refuse and to regulate the collection and disposal of garbage by others.
 13. To acquire, own, maintain and operate public parks, playgrounds and other recreation facilities and to equip and improve them with all suitable devices, buildings and other structures.
 14. To provide for and operate, or aid in the support of, public libraries.
 15. To lay out, open, extend, widen, narrow, establish or change the grade of, close, construct, pave, curb, gutter, adorn with shade trees, otherwise improve, maintain, repair, clean and light streets, roads, alleys and walkways.
 16. To take and appropriate real property within the area of the consolidated government for any public purpose, when the public convenience requires it and the taking is in accordance with general law.
 17. To purchase, lease, construct, maintain or otherwise acquire, hold and operate other property, real or personal, for any public purpose, and to sell, lease or otherwise dispose of any property, real or personal, belonging to the consolidated government in such manner and upon such terms as the council shall determine.
 18. To build, purchase, maintain, and operate sewers and sewage disposal systems, waterworks, transportation facilities, and any other public utility; to fix such rates and provide for the making of such charges and assessments as are deemed necessary for the proper furnishing of such services; and to provide liens or penalties and withdrawal of service for refusal or failure to pay for utility services provided by the consolidated government.
 19. To regulate the erection of buildings and all other structures, to compel the owner to provide and maintain fire escapes and other safety features, and to provide fire districts or zones and building zones; to prohibit, regulate or suppress, or provide for the destruction and removal

- of any building or other structure which may be or become dangerous or detrimental to the public.
20. To fix the fares or rates to be charged for carriage of persons by any vehicle held out to the public use for hire within the area of the consolidated government; to require indemnity bonds issued by surety companies or indemnity insurance policies to be filed by the owner or operator of such vehicle for the protection of any person against loss by injury to person or property; and to make regulations with respect to the operation of such vehicles.
 21. To grant rights-of-way through the streets and roads, and over bridges and viaducts, for the use of public utilities.
 22. To regulate the operation of motor vehicles and exercise control over traffic, including parking, on the public streets, roads, alleys and walkways of the consolidated government.
 23. To establish standard weights and measures; and to provide standards of quality for food products offered for human consumption.
 24. To provide for the inspection and weighing or measuring of lumber, building material, stone, coal, wood fuel, hay, corn, grain, and other products.
 25. To provide for the protection of, and prevent cruelty to, children and animals.
 26. To regulate or prohibit junk dealers, pawn shops; the manufacture, sale or transportation of intoxicating liquors; the use and sale of firearms; the use and sale of firecrackers and fireworks; the transportation, storage and use of combustible, explosive and inflammable materials; the use of lighting and heating equipment; and any other business or situation which may be dangerous to persons or property.
 27. To prevent and punish vice, obscenity, immorality, vagrancy, drunkenness, riots, disturbances, disorderly houses, bawdy houses, gambling and gambling houses, lewd exhibitions, disorderly conduct, the carrying of concealed weapons, and breaches of the peace.

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28. To establish, maintain and operate a jail and a workhouse.
29. To regulate the emission of smoke, the installation and maintenance of fuel burning equipment, and the methods of firing and stoking furnaces and boilers.
30. To regulate, by license or otherwise, all skilled craftsmen and their work.
31. To pass ordinances necessary for the health, convenience, safety and general welfare of the inhabitants, and to carry out the full intent and meaning of this charter as fully as if specifically authorized.
32. To provide misdemeanor penalties for violations of any ordinance adopted pursuant to the authority of this charter or general law.
33. All powers are granted subject to this charter and the Constitution and general laws of Florida.

In addition, the consolidated government shall have the other specific powers set forth elsewhere in this charter.

Section 3.03. *Construction.* The powers of the consolidated government shall be construed liberally in favor of the consolidated government. The specific mention, or failure to mention, particular powers in this charter shall not be construed as limiting in any way the general power of the consolidated government as stated in this article. It is the intention hereof to grant to the consolidated government full power and right to exercise all governmental authority necessary for the effective operation and conduct of the government of the area and all of the affairs of the consolidated government.

ARTICLE 4

DIVISION OF POWERS

Section 4.01. *General.* The powers of the consolidated government shall be divided among the legislative, executive, and judicial branches of the consolidated government. No power belonging to one branch of the government shall be exercised by either of the other branches, except as expressly provided in this charter.