

Introduced by Council Member Johnson:

ORDINANCE 2025-341

AN ORDINANCE CORRECTING A CLERICAL ERROR IN SECTION 5.04 OF THE JACKSONVILLE CITY CHARTER; INCORPORATING RECITALS; AMENDING SECTION 5.04 (QUALIFICATIONS AND COMPENSATION OF COUNCIL), ARTICLE 5 (THE COUNCIL), *CITY CHARTER*, TO REMOVE LANGUAGE PROHIBITING MEMBERS OF THE CITY COUNCIL FROM HOLDING OTHER POSITIONS OF PUBLIC EMPLOYMENT AS PREVIOUSLY APPROVED BY THE FLORIDA LEGISLATURE PURSUANT TO CHAPTER 90-452, LAWS OF FLORIDA; PROVIDING FOR CODIFICATION INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 1967 at the time of consolidation of the City of Jacksonville and Duval County, a City Charter was created and approved by the Florida Legislature providing the structure and framework by which the Consolidated Government would operate; and

WHEREAS, Section 5.04 of the City Charter pertaining to the qualifications and compensation of Council Members was first introduced in 1967 and, in part, prohibited Council Members from holding any other public office *or public employment* while serving as a member of the Jacksonville City Council; and

WHEREAS, this language was approved by the Florida Legislature pursuant to Chapter 67-1320, *Laws of Florida*, and remained intact despite numerous other changes being made to this Section of the Charter in 1971, 1973 and 1979; and

WHEREAS, in 1990 the Florida Legislature made substantive changes to Section 5.04 of the Charter pursuant to Chapter 90-452,

1 *Laws of Florida*, which was enacted, in part, specifically "to remove
2 the provision that prohibits members of the city council from holding
3 any other public employment" as stated in the Preamble to Chapter
4 90-452, *Laws of Florida*, a copy of which is attached hereto as **Exhibit**
5 **1** and incorporated herein by this reference; and

6 **WHEREAS**, a Staff Analysis of House Bill (HB) 3319, the
7 legislation upon which the Florida Legislature acted to effectuate
8 the aforementioned changes to Section 5.04 of the Jacksonville City
9 Charter, a copy of which is attached hereto as **Exhibit 2** and
10 incorporated herein by this reference, explains that HB 3319 serves
11 to remove the language prohibiting Council Members from holding any
12 other public employment while also creating "an exception to the
13 provision that council members may not be employed by the City or any
14 of its independent agencies by providing that certified employees of
15 the Duval County School Board be allowed to hold council membership";
16 and

17 **WHEREAS**, subsequent to this action by the Florida Legislature,
18 City records reflect that the published text of the City Charter was
19 updated to include the exception allowing employees of the Duval
20 County School Board to serve as members of Council but the Charter
21 was *not* updated to remove the general prohibition of holding other
22 public employment; and

23 **WHEREAS**, the Office of General Counsel and the City Council
24 Research Division thoroughly researched this matter and could not
25 locate any records or evidence explaining why the general prohibition
26 pertaining to public employment was not removed from the published
27 text of the City Charter while the other changes adopted by the
28 Florida Legislature pursuant to HB 3319 (codified as Chapter 90-452,
29 *Laws of Florida*) were made; and

30 **WHEREAS**, retaining the phrase "or public employment" not only
31 created an ambiguity within the language of Section 5.04, it also

1 serves to render superfluous the new and narrower exception allowing
2 employees of the Duval County School Board to serve on the City
3 Council; and

4 **WHEREAS,** based on the above history, it appears that the phrase
5 "or public employment" was not removed from the Charter in
6 contravention of the purpose of Chapter 90-452, *Laws of Florida*, and
7 remains in the Charter in error; and

8 **WHEREAS,** the City Council desires to correct this clerical
9 error by amending Section 5.04 of the City Charter to remove the
10 phrase "or public employment" in keeping with the above-described
11 action of the Florida Legislature and to create a historical record
12 of this corrective action through enactment of this Ordinance; now
13 therefore

14 **BE IT ORDAINED** by the Council of the City of Jacksonville:

15 **Section 1. Recitals.** The above recitals are true and
16 correct and are incorporated herein and made a part hereof by this
17 reference.

18 **Section 2. Amending Section 5.04 (Qualifications and**
19 **compensation of council members), Article 5 (The Council), City**
20 **Charter.** Section 5.04 (Qualifications and compensation of council
21 members), Article 5 (The Council), *City Charter*, is hereby amended
22 to read as follows:

23 **CHARTER AND RELATED LAWS**

24 **PART A - CHARTER LAWS CHARTER OF THE CITY OF JACKSONVILLE, FLORIDA**

25 *** * ***

26 **ARTICLE 5. - THE COUNCIL**

27 *** * ***

28 **Section 5.04. - Qualifications and compensation of council members.**

29 Every member of the council shall be continuously throughout his
30 or her term of office, a resident and qualified elector of Duval
31 County, and of his or her district or residence area. A candidate for

1 the office of member of the council shall have resided in and been a
2 qualified elector of Duval County for at least 183 consecutive days
3 immediately before the date on which the candidate qualifies to run
4 for the office of member of the council; and if the person is a
5 candidate for the office of member of the council from a district or
6 residence area, the candidate must also have resided in and been a
7 qualified elector of that district or residence area for at least 183
8 consecutive days immediately before the date on which the candidate
9 qualifies to run for the office of member of the council from a
10 district or residence area. Members of the council shall not hold any
11 other public office ~~or public employment~~ except as notary public nor
12 shall any member of the council be an employee of the city or any of
13 its independent agencies except for certificated employees of the
14 Duval County School Board. Members of the council shall receive an
15 annual salary to be fixed by the council.

16 **Section 3. Codification Instructions.** The Codifier and the
17 Office of General Counsel are authorized to make all chapter and
18 division "tables of contents" consistent with the changes set forth
19 herein. Such editorial changes and any others necessary to make the
20 *Ordinance Code* consistent with the intent of this legislation are
21 approved and directed herein, and changes to the *Ordinance Code* shall
22 be made forthwith and when inconsistencies are discovered.

23 **Section 4. Effective Date.** This Ordinance shall become
24 effective upon signature by the Mayor or upon becoming effective
25 without the Mayor's signature.

26 Form Approved:

27
28 /s/ Mary E. Staffopoulos

29 Office of General Counsel

30 Legislation Prepared By: Mary E. Staffopoulos

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