

s submitted nor more than 6 months prior to the date the resignation is effective; and such special election shall, if possible, be held in conjunction with any other election scheduled to be held within the county. A vacancy in the office of mayor occurring as contemplated in this subsection shall be temporarily filled in the same manner established in subsection (a). The acting mayor shall exercise all the powers of the office of mayor until a successor mayor is qualified, elected, and assumes office. If an acting mayor should qualify to run for the office of mayor at this special election, then he shall no longer serve as acting mayor and the official next in line of succession shall assume the duties of acting mayor. Should a special mayoral election not be held at the same time as any other election scheduled to be held within the county, then the special primary election for nominations of candidates of political parties for the office of mayor to be voted upon in the special election shall be held at the times specified by the council in the resolution calling the special mayoral election, provided that at least 2 weeks shall intervene between the dates set for the first and second primary elections and at least 2 weeks shall intervene between the second special primary election and the special mayoral election. The time period during which candidates may qualify to run in the special primary elections and special mayoral elections shall be specified by the council in the resolution calling the special election, provided that at least 7 calendar days shall be fixed for the qualifying period and that the last date on which candidates may qualify shall occur not less than 3 weeks before the date of the first special primary election.

Section 2. This act shall take effect upon becoming a law.
Became a law without the Governor's approval.
Filed in Office Secretary of State June 12, 1985.

CHAPTER 85-434
House Bill No. 482

An act relating to the City of Jacksonville; amending Section 3 of Chapter 63-1305, Laws of Florida, as amended, to provide that any member of the Duval County Hospital Authority appointed for two consecutive full terms shall not be eligible for appointment to the succeeding term; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:
Section 1. Section 3 of Chapter 63-1305, Laws of Florida, as amended, is amended to read:
Section 3. Governing Body.

The governing body of the Authority shall consist of nine (9) members who shall be appointed by the Mayor and confirmed by the Council of the City of Jacksonville. Members of the Authority shall be residents of Duval County and shall not hold any other public office. All members of the Authority, during their terms shall serve at the pleasure of the Mayor. Provided however, any removal of any member must be approved by a two-thirds vote of the Council of the

City of Jacksonville. Two (2) members of the Authority shall be members of the Duval Medical Society. The term of office of each appointed member shall be for four (4) years or until his successor has been appointed and qualified; provided, however, that the initial terms of the two additional members provided for in this act shall expire January 1, 1976. The seven (7) present members of the Authority holding office on the effective date of this act shall continue in office until the expiration of their terms, as if this act were not in effect. A vacancy occurring during a term shall be filled only for the balance of the unexpired full term. Any member appointed to the Authority for two consecutive full terms shall not be eligible for appointment to the next succeeding term.

The members of the Authority shall not be entitled to compensation as such, but shall be entitled to reimbursement for their actual and necessary expenses incurred in the performance of their official duties. Five (5) members of the Authority shall constitute a quorum and ordinances and resolutions enacted or adopted by a vote of a majority of the members of the Authority shall become effective without publication or posting or any further action of the Authority.

The provisions of s. 286.012 and the provisions of ss. 112.311-112.3175, inclusive, Florida Statutes, and as they may be amended in the future, relating to financial disclosure and conflicts of interest, shall apply to each member of the Authority.

Section 2. This act shall take effect upon becoming a law.
Became a law without the Governor's approval.
Filed in Office Secretary of State June 20, 1985.

CHAPTER 85-435
House Bill No. 492

An act relating to the City of Jacksonville; establishing the Office of General Counsel within the Charter of the City of Jacksonville as Chapter 2 of Article 7 of Chapter 67-1320, Laws of Florida, as amended; prescribing matters relating to the selection of General Counsel, the organization and function of the Office of General Counsel; amending Paragraph (2) of Subsection (e) of Section 3.01 of Chapter 67-1320, Laws of Florida, as amended, to provide that matters prescribed by the Charter relating to the Office of General Counsel must be approved by referendum of the electors; amending Section 7.104 of Chapter 67-1320, Laws of Florida, as amended, so as to prohibit the amendment by ordinance of any provision of Chapter 2 of Article 7 relating to the Office of General Counsel; providing for the superseding of any law or ordinance inconsistent with the provisions of this act and prohibiting the enactment of any ordinance in conflict herewith; providing an effective date.

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

Section 1. A new Chapter 2 is added to Article 7 of Chapter 67-1320, Laws of Florida, as amended, to read:

Chapter 2. Office of General Counsel

Part I. General Provisions

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 provide 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.

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. 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.

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 to serve 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.

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.

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.

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.

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.

7.208 Corporation Secretary. Subject to applicable civil service laws and rules, the General Counsel shall designate one of his employees as Corporation Secretary.

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.

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

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.

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 s. 25.204 of the Ordinance Code of the City of Jacksonville.

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.

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 s. 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.

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.

7.216 Nonpublic assistance cases authorized. The Support Enforcement Activity is authorized to accept cases not referred to it under s. 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 ss. 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

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.

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.

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.

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 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 s. 106.716 of the Ordinance Code of the City of Jacksonville.

Section 2. Paragraph (2) of Subsection (e) of Section 3.01 of Chapter 67-1320, Laws of Florida, as amended, is amended to read:

Section 3.01 General Powers. The consolidated government:

(e) May repeal or amend any provision of this charter, and adopt other provisions of this charter, by ordinance, to the same extent as could be done by the Legislature of the State of Florida, except that:

(2) Any change in this charter made by ordinance which affects the creation or existence of a municipality, the terms of elected officers and the manner of their election, the distribution of powers among elected officers, matters prescribed by the charter relating to appointive boards, matters prescribed by the charter relating to the Office of General Counsel, the form of government or any rights of municipal employees cannot become effective without approval by

referendum of the electors as provided in section 166.031, Florida Statutes. For the purpose of this paragraph (2), "municipality" includes the county and municipality of the City of Jacksonville but excludes the Cities of Jacksonville Beach, Atlantic Beach and Neptune Beach and the Town of Baldwin.

Section 3. Section 7.104 of Chapter 67-1320, Laws of Florida, as amended, is amended to read:

Section 7.104 Changes in Departments. Changes in the departmental organization of the consolidated government, including combinations, terminations or creations of departments or divisions, transfers of responsibility between departments or divisions, or changes in the salaries of department directors or division chief, may be made by ordinance adopted by a majority of the membership of the Council. Any such ordinance may vary, alter or abolish any provision contained in this Article 7, except the provisions of Sections 7.102, 7.103, 7.104 and Section 7.201 through Section 7.220 inclusive.

Section 4. The provisions of this act shall supersede and take precedence over any provision of the Ordinance Code of the City of Jacksonville or any other ordinance of the City which is in conflict with the provisions of this act and any such conflicting law is hereby superseded by the provisions of this act and is hereby repealed, but only to the extent of such conflict. The Council shall enact no law which would in any manner conflict with the provisions of this act.

Section 5. This act shall take effect upon becoming a law, except that the provisions of Chapter 2 of Article 7 relating to the method of selection of a General Counsel shall not take effect until the commencement of the 1987 mayoral term of the City of Jacksonville.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 18, 1985.

CHAPTER 85-436
House Bill No. 505

An act relating to the City of Jacksonville; amending Section 28.104 of Article 28 of Chapter 67-1320, Laws of Florida, as amended, to provide that any member of the Jacksonville Downtown Development Authority appointed for two consecutive full terms shall not be eligible for appointment to the succeeding term; providing an effective date.

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

Section 1. Subsection (1) of Section 28.104 of Chapter 67-1320, Laws of Florida, as amended, is amended to read:

Section 28.104.

(1) The governing body of the Authority shall consist of seven (7) members who shall be appointed by the Mayor and confirmed by the