

Introduced by: \_\_\_\_\_  
1st Reading: \_\_\_\_\_  
2nd Reading: \_\_\_\_\_

**ORDINANCE NO. 2024-8216**

**AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, SUBMITTING TO THE ELECTORS OF JACKSONVILLE BEACH PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF JACKSONVILLE BEACH; PROVIDING BALLOT TITLES, SUMMARIES AND TEXT FOR THE PROPOSED AMENDMENTS; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE FOR APPROVED AMENDMENTS; PROVIDING FOR AN EFFECTIVE DATE FOR THE ORDINANCE.**

**WHEREAS**, over several months from April 2021 through January 2022, the members of the City of Jacksonville Beach City Council, in a series of public meetings, studied and reviewed the City of Jacksonville Beach Charter (the "Charter") and received public input regarding proposed amendments to the Charter; and

**WHEREAS**, on the November 2022 ballot, several proposed amendments to the Charter were submitted to the electorate for consideration. One of the proposed amendments contained in this Ordinance regarding gender neutrality was voted down by the electorate, presumably due to poor wording of explanation; and

**WHEREAS**, after Council Member/Mayor Pro-Tem Cory Nichols resigned in December 2023, the City Council also discussed in several public meetings an additional Charter amendment regarding how to fill a vacancy caused by a council member other than by recall for the remainder of the unfulfilled term of office; and

**WHEREAS**, City Council has discussed a Charter amendment to address and delete existing language in Section 23 of the Charter that states that City Council shall elect a person to fill a vacancy in the office of mayor, as such language conflicts with existing language in Section 5 of the Charter that states that if a vacancy occurs in the office of mayor, the mayor pro-tem shall act as mayor; and

**WHEREAS**, the City Council has determined that the Charter should be updated and revised in various sections along these lines; and

**WHEREAS**, Section 166.031, Florida Statutes, provides that the governing body of a municipality may, by ordinance, submit to the electors of said municipality proposed amendments to its charter, which amendments may be to any part or to all of its charter except that part describing the boundaries of such municipality; and

**WHEREAS**, the City Council finds it to be in the best interests of its citizens to submit said proposed Charter amendments to the voters at the municipal election on November 5, 2024.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF**

**JACKSONVILLE BEACH, FLORIDA:**

**Section 1.** The City Council of the City of Jacksonville Beach, pursuant to Section 166.031, Florida Statutes, hereby proposes and approves amendments to the Charter of the City of Jacksonville Beach to be submitted to the electorate for consideration, which proposed amendments and the complete text thereof, as amended, are set forth in Section 3 below. Additions are shown with underlining, deletions are shown with ~~striketrough~~ type, and asterisks (\*\*\*) indicate an omission from the existing text which is intended to remain unchanged.

**Section 2.** Such election shall be held in conformity with the laws of the State of Florida and the Charter and ordinances of the City of Jacksonville Beach now in force relating to elections in the City of Jacksonville Beach. The Supervisor of Elections of Duval County is hereby requested to coordinate all matters to said referendum election with the City Clerk. The proposed charter amendments shall be submitted to the voters at the November 5, 2024, election.

**Section 3.** The proposed amendments, the ballot title, and the wording of the substance of the proposed amendments to the Charter, as contained in this Ordinance, shall appear on the ballot in the form of questions affixed to this Ordinance as Exhibit 1.

**Section 4.** The City Clerk is hereby directed to ensure that all advertising, translation, and notice requirements are complied with and to coordinate all activities necessary to conduct the referendum election called for in Section 2 of this Ordinance with the Supervisor of Elections for Duval County.

**Section 5.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereto. Further, the lack of approval by a majority of electors of one or more separate amendments to this Charter, as set forth in Section 3 herein, shall not be deemed to affect the validity of any amendments that may be approved by a majority of the electors.

**Section 6.** All ordinances and Charter provisions, or parts of ordinances and Charter provisions in conflict herewith are hereby repealed.

**Section 7.** This Ordinance shall take effect immediately and pursuant to the City's Charter. The revised Charter provisions proposed for approval in this Ordinance shall become effective upon their approval at a referendum election of the electors of the City of Jacksonville Beach in accordance with Section 166.031, Florida Statutes. If the electors reject an amendment, the rejected amendment shall not take effect.

AUTHENTICATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2024.

\_\_\_\_\_  
Christine Hoffman, Mayor

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Sheri Gosselin, City Clerk

Approved as to form and legal sufficiency:

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David Migut, City Attorney

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**EXHIBIT 1**

**Explanation of Ballot Title, Question, Summary, and Text References**

**Question 1 – Job Descriptions and Duties**

A. **Explanation.**

This Charter amendment would eliminate all gender pronoun references associated with job descriptions or duties in the City Charter.

B. **Ballot Proposal:** The ballot title and question for Question #1 are as follows:

REMOVING PRONOUN REFERENCES AS ASSOCIATED WITH  
JOB DESCRIPTIONS OR DUTIES REFERENCED IN THE CITY  
CHARTER

Approve to amend the Charter by removing he/she, him/her, and his/her gender pronoun references that are associated with job descriptions or duties in the City Charter.

\_\_\_\_\_ Yes

\_\_\_\_\_ No

C. **Text References:** Chapter 1, Sections 3(a), 4, 5, and 6; Chapter 3, Sections 15, 18, 19, and 24; Chapter 5, Sections 26, 28, 29, 31, and 33; Chapter 6, Section 37; all of the City of Jacksonville Beach Charter to be amended as set forth in those sections in the “All Proposed Changes” document below. (Underline text is added to the Charter; strikethrough text is deleted; unmarked text is existing).

**Question 2 – City Council Vacancies**

A. **Explanation.**

This Charter amendment would allow the city council to select a person to fill any vacancy in the office of a city council member caused by other than recall for the remainder of the unfulfilled term of that office.

B. **Ballot Proposal:** The ballot title and question for Question #2 are as follows:

ALLOWING COUNCIL TO FILL VACANCIES IN COUNCIL  
OFFICE FOR REMAINDER OF TERM

Approve to amend the Charter by allowing the city council to select a person to fill any vacancy in the office of a city council member caused by other than recall for the remainder of the unfulfilled term of that office.

\_\_\_\_\_ Yes

\_\_\_\_\_ No

- C. **Text References**: Chapter 4, Section 23 of the City of Jacksonville Beach Charter to be amended as set forth in that section in the “All Proposed Changes” document below. (Underline text is added to the Charter; strikethrough text is deleted; unmarked text is existing).

**Question 3 – Vacancy in the Office of the Mayor**

A. **Explanation.**

This Charter amendment would eliminate an existing discrepancy in the City Charter to make it clear that if a vacancy occurs in the office of the mayor, the mayor pro-tem shall act as mayor for the unexpired term.

- B. **Ballot Proposal**: The ballot title and question for Question #3 are as follows:

CLARIFYING THAT THE MAYOR PRO-TEM FILLS A VACANCY  
IN THE OFFICE OF THE MAYOR

Approve to amend the Charter by deleting conflicting language to make it clear that if a vacancy occurs in the office of the mayor, the mayor pro-tem shall act as mayor for the remainder of the unexpired term.

\_\_\_\_\_ Yes

\_\_\_\_\_ No

- C. **Text References**: Chapter 4, Section 23 of the City of Jacksonville Beach Charter to be amended as set forth in that section in the “All Proposed Changes” document below. (Underline text is added to the Charter; strikethrough text is deleted; unmarked text is existing).

City of Jacksonville Beach Charter – Proposed Amendments  
(Additions underlined; deletions ~~strikethrough~~)

**CHAPTER I. - GENERAL PROVISIONS**

**Section 3. Creation, salary and composition of council.**

- A. Except as otherwise provided in this Charter, all powers of the city shall be vested in a council composed of a mayor and six (6) other members, three (3) of which shall be at-large members and three (3) of which shall be district members. The boundary for each of the three (3) districts is described in Appendix "A" of this Charter. The district boundaries shall be reapportioned every ten (10) years commencing with the 1990 Official Florida State and Federal Census. Each reapportionment shall be completed by the city council by ordinance enacted within six (6) months of the date of official publication of the most recent Official Florida State and Federal Census. District boundaries shall be reapportioned to create districts of nearly equal population. Districts shall be arranged in a logical and compact geographic pattern and shall promote fair representation. The mayor and the three (3) at-large members of the council shall be qualified electors of the city and shall be nominated and elected from the city at-large and the three (3) district council members shall be qualified electors of the city and shall also be residents of the district which they represent and shall be nominated and elected from the district they represent. The mayor and all council members shall be elected in the manner hereinafter provided. The term of office of the mayor and all council members shall be for four (4) years next following their election or until their successors are elected and qualified. A person serving as the mayor shall be limited to serving two (2) consecutive full-terms on the council. A person serving as council member shall be limited to serving two (2) consecutive full-terms as council member, after which they are eligible to seek qualification to run for an additional two (2) consecutive terms as mayor. The maximum number of terms a council member moving from a city council seat to mayor may serve is a total of four (4) consecutive terms. The maximum number of terms a mayor can serve on the council is two (2) consecutive terms. An individual who has served two (2) consecutive terms as Mayor shall not seek a consecutive term as a council member. A term shall be considered a full-term if the elector has served two or more years of their first four (4) year term and any portion of their second consecutive four (4) year term. Members of the city council and the mayor shall be bona fide residents of the City of Jacksonville Beach and, where applicable, the districts they represent and not a resident of any other city or district. Should any council member or the mayor move from the City of Jacksonville Beach, or, where applicable, the district they represent, during the term of office for which they were elected, then, in that event that office shall automatically become vacant from the date of such removal. The mayor or any member of the council ceasing to possess any of the qualifications specified in this Charter, or convicted of a felony while in office, or removed from office by recall election, shall immediately forfeit ~~his~~that office.

#### **Section 4. Mayor; duties and powers.**

There is hereby created the office of mayor of the City of Jacksonville Beach, who shall be nominated and elected as above provided. ~~He~~The mayor shall have all the powers and functions of a ~~councilman~~ council member of the City of Jacksonville Beach, and shall also have the powers and perform the duties conferred and imposed upon ~~him~~the office by this Charter and the ordinances of the city.

The mayor shall preside at all meetings of the council and shall have a voice and a vote in the proceedings of the council, but no veto power. ~~He~~The mayor may use the title of mayor in any case in which the execution of legal instruments or writing or other necessity arising from the City Charter or from the general laws of the state so require but this shall not be considered as conferring upon ~~him~~the mayor's office the administrative or judicial functions of mayor under the general laws of the state, except that the mayor shall have the power to perform marriage ceremonies. ~~He~~The mayor shall be recognized as the official head of the city by the courts for the purpose of serving civil processes upon the city, by the government in the exercise of military law, and for all ceremonial purposes.

In time of public danger or emergency, the mayor ~~on his own authority~~ may, by proclamation, take command of and govern the city for a period not to exceed seventy-two (72) hours. If the public danger or emergency requires that governance of the city by the mayor ~~and his government of the city by proclamation~~ should be extended, this may be authorized for a period not to exceed five (5) days by the affirmative vote of at least five (5) ~~councilmen~~council members.

#### **Section 5. Mayor pro-tem.**

At its first meeting following a regular municipal election and certification by the Supervisor of Elections, the council shall choose from its membership a vice-chairman who shall have the title of mayor pro-tem. If a vacancy occurs in the office of mayor, or in case of ~~his~~the mayor's absence or disability, the mayor pro-tem shall act as mayor for the unexpired term, or during the continuance of the absence or disability. Whenever the mayor pro-tem succeeds to the office of mayor for the remaining portion of an unexpired term, it shall create a vacancy in the council, which vacancy shall be filled in accordance with the provisions of this Charter.

#### **Section 6. Meetings of council.**

The council shall meet as may be prescribed by ordinance or resolution, but not less frequently than once each month. Special meetings shall be called by the clerk upon the request of the mayor. A council member may request a special meeting by contacting the city clerk and stating the reason for ~~his~~the request. The city clerk shall inform the city manager, who will then determine whether a majority of the other members of the council support the request. If they do, the special meeting will be called by the clerk. At least forty-eight (48) hours' notice of all special meetings shall be given to each council member, but such notice may be waived by any council member

who verbally agrees to attend such meeting. Service of such notice shall be made either electronically via email, in person, or by leaving a copy at the residence of the council member being served. Any such notice shall state the subject to be considered at the special meeting and no other subject shall be considered. All meetings of the council and of committees thereof shall be open to the public and conducted in accordance with state law and the rules of the council. The rules of the council shall provide that the public shall have a reasonable opportunity to be heard at any such meetings of the council or its committees regarding any matter to be considered.

### **CHAPTER III. - ELECTIONS**

#### **Section 15. - Municipal elections.**

Beginning with the next election after adoption:

- (a) *Primary election.* When more than two candidates are running for the same elective office, a primary election shall be held only for the municipal offices that have more than two candidates running for the same seat. Such primary election date shall be set according to Florida Statutes Chapters 99.061(2) and 100.061.

If a candidate receives a majority of the votes cast for any particular seat or office at the primary election, ~~he or she~~ the candidate shall be declared elected to said seat or office and ~~his or her~~ that candidate's name shall not be placed on the ballot in the general election. However, if no candidate receives a majority of the votes cast for any particular seat or office at the primary election, the two (2) candidates for each seat of the council, as well as candidates for mayor, receiving the two (2) highest number of votes for that seat or for the office of mayor shall have their names placed on the ballot for that seat or office at the general election.

#### **Section 18. - Officers to be elected.**

The city council shall be divided into six (6) groups or seats as follows:

Seat 1 - At-Large

Seat 2 - At-Large

Seat 3 - At-Large

Seat 4 - District 1

Seat 5 - District 2



Seat 6 - District 3

In qualifying for election to city council each candidate shall designate the seat for which ~~he or she~~the candidate intends to run on the council. One candidate shall be elected for each seat. Any number of candidates may qualify for any one seat, but no person shall qualify at the same time for more than one seat. Any candidate qualifying for a district seat shall be a qualified elector and a bona fide resident of that district at the time the candidate qualifies. Candidates for mayor shall also designate and qualify for their particular office.

Each unopposed candidate shall be declared elected to office and ~~his or her~~the candidate's name shall not be placed on the ballot.

At the general election, the candidate receiving the highest number of votes for each council seat and for the office of mayor, respectively, shall be declared elected to such representative seat of the council or the office of the mayor. In both the primary and general elections, all electors shall be instructed to vote for each separate seat or office.

**Section 19. - Nominations.**

Any qualified elector of the city may be nominated to be a candidate for mayor and an at-large council seat in the city by petition of any ten (10) electors of the city. Any qualified elector of the city and any resident of the district may be nominated for a district council seat from the district within which the nominee resides by petition of any ten (10) electors residing in the district in which the candidate intends to run. Any candidate qualifying for mayor or an at-large council seat must be a bona fide resident of the city for at least six (6) months prior to qualifying. Any candidate qualifying for a district seat must be a bona fide resident of the city and the district the candidate is running in for at least six (6) months prior to qualifying. A candidate seeking to qualify for nomination to elected office shall file his-qualification papers with and pay the qualifying fees to the city clerk at any time after noon of the first day for qualifying and no later than noon on the last day of qualifying. The dates for qualifying are set pursuant to Section 99.061, Florida Statutes. Any person nominated but not qualified, as provided for in this Charter shall not have their name printed on the ballot. The petitions shall be in the following form:

"We, the undersigned ten (10) electors and residents of District \_\_\_\_\_ of the City of Jacksonville Beach, hereby nominate \_\_\_\_\_ (name) \_\_\_\_\_, (seat number of council member) \_\_\_\_\_ to be voted for at the election to be held on the \_\_\_\_\_ day of \_\_\_\_\_ (month) \_\_\_\_\_, A.D. \_\_\_\_\_ (year) \_\_\_\_\_ and we individually certify that we are qualified to vote at such election.

Name	_____	_____
	_____	_____

	_____	_____
	_____	_____
	_____	_____

**ACCEPTANCE OF NOMINATION**

I HEREBY ACCEPT the nomination for the office of \_\_\_\_\_ (seat number of council member) and state that I am qualified to be a candidate for the office and agree to serve if elected.

\_\_\_\_\_  
 (Signature of Candidate)

I HEREBY CERTIFY that the above petition was filed with me on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_.

\_\_\_\_\_  
 City Clerk"

Simultaneously with the filing of the nomination petition and acceptance with the city clerk, the nominated candidate shall pay over to the city clerk the required filing fee, which consists of a filing fee and an election assessment. The amount of the filing fee for each elected office shall be three (3) percent of the annual salary of the office. The amount of the election assessment is one (1) percent of the annual salary of the office sought. Any candidate may withdraw ~~his~~their nomination not later than the deadline for qualifying by filing a notice of withdrawal with the city clerk. Any candidate who has not withdrawn ~~his~~their nomination by the deadline for qualifying cannot have ~~his~~their name removed from the official ballot.

**Section 23. - Vacancies.**

Should any vacancy occur in the council ~~or in the office of mayor~~ other than by the recall provisions of the City Charter, the city council shall elect a person to fill the vacant office ~~until the next regular municipal election~~ for the remainder of that official's unfulfilled term.

**Section 24. – Oath of Office.**

Every officer of the city shall, before entering upon the duties of ~~his~~ office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the city clerk:

"I, \_\_\_\_\_ solemnly swear (or affirm) that I will support the Constitution and will obey the

laws of the United States and of the State of Florida; City of Jacksonville Beach, and will faithfully discharge the duties of the office of \_\_\_\_\_."

## **CHAPTER V. - CITY MANAGER**

### **Section 26. - Qualifications; appointment; term of office.**

The council shall appoint an officer whose title shall be city manager, and who shall be the chief administrative officer for the execution of the executive and administrative functions of the council under the direction and supervision of the council. The city manager shall at the time of ~~his or her~~their appointment, have graduated with a college degree from an accredited four-year college and in addition shall be chosen by the council solely on the basis of ~~his~~ executive and administrative qualifications with special reference to ~~his~~ actual experience in, or ~~his~~ knowledge of, accepted practice in respect to the duties of ~~his~~ office as hereinafter outlined, without regard to ~~his~~ political belief. ~~he~~ The city manager need not be a resident of the city or state at the time of ~~his~~ appointment, but ~~he~~ shall be required to reside within the city during ~~his~~ tenure in office. No person elected to membership on the council shall, subsequent to such election, be eligible for an appointment as city manager until one year has elapsed following the expiration of the term for which ~~he~~the person was elected.

### **Section 28. - Responsibility of city manager; powers of appointment and removal.**

The city manager shall be responsible to the council for the proper administration of all affairs of the city placed in ~~his~~the city manager's charge under this Charter, and to that end, and except as otherwise provided herein, ~~he~~the city manager shall have the power to appoint and, subject to the limitations of the budget, fix the compensation of and remove all officers and employees in the administrative services of the city, provided that such action in respect to the heads of such departments of the city as may be designated by ordinance, shall be approved by vote of a majority of the members of the council before becoming effective. The city manager may authorize the head of a department, or officer responsible to ~~him~~the city manager, to appoint and remove subordinates in such department or office. Appointments made by or under the authority of the city manager shall be on the basis of executive and administrative ability, merit, fitness and of the training and experience of such appointees in the work which they are to perform. All such appointments shall be without definite term unless for provisional, temporary or emergency service.

### **Section 29. - Discharge, suspension, etc., of officers and employees.**

Any officer or employee of the city may be removed, discharged, suspended, demoted, reduced in pay, or fined, by the city manager or ~~his~~ designee. Any fulltime regular employee working a minimum of 40 hours per week on a consistent basis (except, department directors, city attorney, city clerk or contract, temporary, probationary employees) may appeal a termination or suspension decision of the city manager or ~~his~~ designee by following the grievance/appeal

policies as outlined in the Personnel Policies or appropriate collective bargaining contract covering the appellant's position. Terminations due to layoffs are not subject to appeal.

**Section 31. – Duties of the city manager.**

It shall be the duty of the city manager to act as chief conservator of the peace within the city; to supervise the administration of the affairs of the city; to see that the ordinances of the city and the laws of the state are enforced; to make such recommendations to the council concerning the affairs of the city as may seem to him desirable; to keep the council advised of the financial condition and future needs of the city; to prepare and submit to the council the annual budget estimate; to prepare and submit to the council such reports as may be required by that body; and to perform such other duties as may be prescribed by this Charter or required by him by ordinance or resolution of the council, not inconsistent with this Charter. Nothing herein shall be construed to confer or impose upon the city manager any of the powers, duties, or functions herein provided to be exercised or performed by any other elective or appointive officer of the city.

**Section 33. – Investigations by city council or city manager.**

A committee authorized by the city council and/or the city manager shall have the power to inquire into the conduct of any department, office, or officer of the city and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of evidence. Any such subpoena is enforceable by a court of competent jurisdiction and subject to such penalties as may be deemed appropriate by such court. Failure of any city employee to cooperate with any such investigation or to produce evidence as requested under the provisions of this section shall be grounds for termination by the city manager or city council as applicable unless such termination is otherwise superseded by any contractual or collective bargaining rights enjoyed by the employee or otherwise prohibited by law. Any officer, person, or committee conducting the investigation shall report to the city council all violations or neglect of duty, or any misfeasance, malfeasance or nonfeasance in office, or improper conduct on the part of any city official that may come to his or its knowledge be discovered. No member of any investigative committee shall be an employee of the city, an elected official, or a relative of an employee or an elected official or have any personal interest in the subject being investigated.

**CHAPTER VI. – CITY ATTORNEY**

**Section 37. – Duties of city attorney.**

The city attorney shall act as the legal advisor and counselor for the municipality and all of its officers in matters relating to their official duties. HeThe city attorney shall prepare and review all ordinances, resolutions, contracts, bonds, and other instruments in which the municipality is concerned and shall endorse on each ~~his~~the city attorney's approval of the form and correctness thereof. When required so to do by the city council, the city attorney shall prosecute and defend, for and on behalf of the city, all complaints suits, controversies, and proceedings in which the city

is a party. ~~He~~The city attorney shall furnish the officers or the heads of any departments of the city ~~his~~the city attorney's opinion on any question of law relating to their respective powers and duties.

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