

# FLORIDA HOUSE OF REPRESENTATIVES FINAL BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

<b>BILL #:</b> <a href="#">HB 4049</a> <b>TITLE:</b> Office of General Counsel of City of Jacksonville, Duval County <b>SPONSOR(S):</b> Duggan	<b>COMPANION BILL:</b> None <b>LINKED BILLS:</b> None <b>RELATED BILLS:</b> None
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**FINAL HOUSE FLOOR ACTION:** 108 Y's 5 N's      **GOVERNOR'S ACTION:** Pending

## SUMMARY

### **Effect of the Bill:**

The bill amends the City of Jacksonville's charter to authorize the Duval County School Board to employ a general counsel who is independent of the Office of General Counsel of the City of Jacksonville. The bill provides this provision only applies to the selection and employment of a general counsel for the Duval County School Board and all other legal services to the Duval County School Board will continue to be provided by the Office of the General Counsel of the City of Jacksonville.

### **Fiscal or Economic Impact:**

The Economic Impact Statement for the bill states the bill is expected to be cost neutral since the Duval County School Board currently incurs expenses for legal counsel through the Office of General Counsel for the City of Jacksonville.

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## ANALYSIS

### **EFFECT OF THE BILL:**

The bill [amends the charter](#) of the City of Jacksonville to authorize the Duval County School Board to employ a general counsel who is independent of the [Office of General Counsel of the City of Jacksonville](#). The bill provides that the school board's general counsel will be subject to the opinion of the general counsel of the city as provided by the city charter. (Section [1](#))

The provisions of the bill only apply to the selection and employment of a general counsel for the school board. All other legal services for the school board and Duval County Public Schools, including litigation and contract preparation, will continue to be provided through the general counsel of the city and the attorneys providing these services will be subject solely to his or her supervision. (Section [1](#))

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law. (Section [2](#))

### **FISCAL OR ECONOMIC IMPACT:**

### **LOCAL GOVERNMENT:**

The Economic Impact Statement for the bill states the bill is expected to be cost neutral since the Duval County School Board currently incurs expenses for legal counsel through the Office of General Counsel for the City of Jacksonville.

**STORAGE NAME:** h4049z.IAS

**DATE:** 3/20/2026

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### [Charter Amendments](#)

The Florida Constitution provides that municipalities may be established or abolished and their charters amended pursuant to general or special law.<sup>1</sup> General law authorizes the governing body of a municipality to adopt an ordinance to submit a proposed charter amendment for approval by the electors at a referendum.<sup>2</sup> Alternatively, the electors of a municipality may submit a proposed charter amendment through a petition signed by 10 percent of the registered electors. The referendum to adopt a charter amendment may be held at the next general election within the municipality or at a special election, as stated in the ordinance or petition.<sup>3</sup>

If the charter amendment is approved by a majority of electors voting in the referendum, the governing body of the municipality incorporates the amendment into its charter and files a revised charter with the Secretary of State.<sup>4</sup> Amendments to the charter become effective on the date specified in the amendment or as otherwise provided in the charter.<sup>5</sup>

#### **Consolidated Government of the City of Jacksonville**

The Florida Constitution permits the government of a county and the government of one or more municipalities to be consolidated into a single government which may exercise any and all powers of the county and the several municipalities.<sup>6</sup> Several counties, including Duval County, were authorized to consolidate under the provisions of the Florida Constitution of 1885.<sup>7</sup> The Duval County-Jacksonville consolidation provision states that the Legislature could consolidate Duval County and any cities within it into a municipality at any time.<sup>8</sup> A proposed charter for the consolidated government of the City of Jacksonville was approved by the Legislature in 1967 and took effect October 1, 1968.<sup>9</sup> The charter was readopted in 1992.<sup>10</sup>

The consolidated government operates a county government in the entirety of Duval County and as a municipality in all areas of the county except for the Cities of Jacksonville Beach, Atlantic Beach, and Neptune Beach and the Town of Baldwin.<sup>11</sup> The charter also contains provisions governing “independent agencies,” including the Duval County School Board, the Jacksonville Port Authority, the Jacksonville Transportation Authority, the Jacksonville Electric Authority, the Jacksonville Downtown Development Authority, and the Jacksonville Police and Fire Pension Board of Trustees.<sup>12</sup>

<sup>1</sup> [Art. VIII, s. 2\(a\), Fla. Const.](#) *But see* Art. VIII, s. 11(1)(g), Fla. Const. (1885), incorporated by reference in [art. VIII, s. 6\(e\), Fla. Const.](#) (Miami-Dade County Charter provides the exclusive method for amending or repealing the charter of any municipality in Miami-Dade County).

<sup>2</sup> [S. 166.031\(1\), F.S.](#)

<sup>3</sup> *Id.*

<sup>4</sup> [S. 166.031\(2\), F.S.](#)

<sup>5</sup> *Id.*

<sup>6</sup> [Art. VIII, s. 3, Fla. Const.](#) The Florida Constitution defines counties as political subdivisions that may be created, abolished, or changed by law, with provision for payment or apportionment of the public debt. A county may operate under its own charter, which is a formal document granting powers and imposing duties on a specific government. [Art. VIII, s. 1\(a\), Fla. Const.](#) Section [180.01, F.S.](#), defines the term “municipality” to mean any city, town, or village duly incorporated under the laws of the State.

<sup>7</sup> *See* ss. 9, 10, 11, and 24, Art. VIII of the State Constitution of 1885, as preserved by [Art. VIII, s. \(6\)\(e\), Fla. Const.](#) Sections 9, 10, 11, and 24, Art. VIII of the State Constitution of 1885 provide for consolidation and establish home rule authority for Duval County, Monroe County, Miami-Dade County, and Hillsborough County, respectively.

<sup>8</sup> *Jackson v. Consolidated Government of the City of Jacksonville*, 225 So. 2d 497, 501 (Fla. 1969).

<sup>9</sup> *See* City of Jacksonville, [Blueprint for Improvement II: Task Force on Consolidated Government 2014](#), p. 3 (last visited Jan. 29, 2026). *See also* ch. 67-1320, Laws of Fla. (creating a charter for a consolidated government for Duval County and the City of Jacksonville pursuant to art. VIII, s. 9, Fla. Const. (1885)).

<sup>10</sup> Ch. 92-341, Laws of Fla.

<sup>11</sup> [Art. I, s. 1.101\(b\), Jacksonville City Charter.](#)

<sup>12</sup> [Art. XVIII, s. 18.07, Jacksonville City Charter.](#)

The charter generally gives the consolidated government broad power to amend the provisions of the charter by ordinance without the need for a referendum.<sup>13</sup> This power, however, does not extend to matters relating to the office of general counsel, which must be approved by the electors in the same manner as a charter amendment adopted under general law.<sup>14</sup>

### [Office of General Counsel of the City of Jacksonville](#)

The charter of the consolidated government creates an office of general counsel, who is the chief legal officer for the consolidated government and its independent agencies.<sup>15</sup> Any legal opinion rendered by the general counsel constitutes the final authority for the resolution or interpretation of any legal issue relative to the consolidated government.<sup>16</sup> Among other responsibilities, the general counsel has the authority to interpret the charter and relevant laws as to the delineation of the powers, duties, and responsibilities of the mayor, city council, and agencies of the government.<sup>17</sup> Jacksonville-Duval has the only local government attorney that represents all county constitutional officers, independent agencies, the executive branch, the legislative branch, and all government boards and commissions.<sup>18</sup>

Those represented by the office of general counsel have thousands of employees and large annual budgets. For example, the Duval County School Board has over 125,000 students, over 14,000 employees and a budget of \$1.3 billion. The city has over 7,000 employees and a budget of \$1.1 billion (including enterprise funds).<sup>19</sup>

### **Legal Counsel for School Boards**

The Florida Constitution authorizes district school boards to operate, control, and supervise all public schools in their respective districts and exercise any power except as prohibited by the Constitution or general law.<sup>20</sup> Every Florida county school board, except for the Duval County School Board, chooses their own attorneys.<sup>21</sup>

### **Local Bill Forms**

The Florida Constitution prohibits the passage of any special act unless a notice of intention to seek enactment of the bill has been published as provided by general law or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.<sup>22</sup> A legal advertisement of the proposed bill must be placed in a newspaper of general circulation or published on a publicly accessible website<sup>23</sup> at least 30 days prior to the introduction of the local bill in the House or Senate.<sup>24</sup> The bill was noticed in the [Jacksonville Daily Record on November 20, 2025](#).

The House local bill policy requires a completed and signed Local Bill Certification Form and Economic Impact Statement Form be filed with the Clerk of the House at the time the local bill is filed or as soon thereafter as

<sup>13</sup> [Art. III, s. 3.01, Jacksonville City Charter](#).

<sup>14</sup> [Art. III, s. 3.01\(e\)\(2\), Jacksonville City Charter](#).

<sup>15</sup> [Art. VII, s. 7.01, Jacksonville City Charter](#).

<sup>16</sup> [Art. VII, s. 7.02, Jacksonville City Charter](#).

<sup>17</sup> City of Jacksonville Office of the General Counsel, [General Counsel](#) (last visited Jan. 29, 2026).

<sup>18</sup> City of Jacksonville Office of the General Counsel, [Our Clients](#) (last visited Jan. 29, 2026).

<sup>19</sup> *Id.*

<sup>20</sup> [Art. IX, s. 4\(b\), Fla. Const.](#) See also [s. 1001.31\(2\), F.S.](#) and *School Board of Collier County v. Florida Teaching Profession National Education Association*, 559 So. 2d 1197, 1198 (Fla. 2d DCA 1990) (generally discussing powers possessed by school boards).

<sup>21</sup> A.G. Gancarski, [Duval School Board seeks legal independence from Jacksonville City Hall](#), Florida Politics, Oct. 6, 2025 (last visited Jan. 29, 2026).

<sup>22</sup> [Art. III, s. 10, Fla. Const.](#)

<sup>23</sup> [S. 50.0311\(2\), F.S.](#)

<sup>24</sup> [S. 11.02, F.S.](#) If there is no newspaper circulated throughout or published in the county and no publicly accessible website has been designated, notice must be posted for at least 30 days in at least three public places in the county, one of which must be at the courthouse.

possible.<sup>25</sup> Under the policy, a committee or subcommittee may not consider a local bill unless these forms have been filed. The following forms have been submitted for the bill:

- [Local Bill Certification Form](#)
- [Economic Impact Statement Form](#)

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<sup>25</sup> Intergovernmental Affairs Subcommittee, [Local Bill Policies and Procedures Manual](#), p. 11 (last visited Jan. 29, 2026).