

1 Introduced by Council Members Howland, Freeman, Newby, Gaffney, Jr.,  
2 and Carrico and Co-Sponsored by Council Members White, Bowman, and  
3 Salem:  
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6 **RESOLUTION 2023-256-W**

7 A RESOLUTION REQUESTING THE FLORIDA LEGISLATURE  
8 DEFEAT HOUSE BILL 1331 AND SENATE BILL 1380 AS  
9 CURRENTLY DRAFTED, OR WITHHOLD SUPPORT UNTIL  
10 SUBSTANTIAL REVISIONS EXPRESSLY EXEMPTING THE  
11 CITY OF JACKSONVILLE AND JEA FROM THE ENTIRETY  
12 OF THE LEGISLATION OR, IN THE ALTERNATIVE,  
13 EXPRESSLY EXEMPTING THE CITY OF JACKSONVILLE AND  
14 JEA FROM IMPOSITION OF ANY LIMITATION OR NOT-  
15 TO-EXCEED CAP ON TRANSFERS OF MUNICIPAL  
16 ELECTRIC, NATURAL GAS, WATER, AND WASTEWATER  
17 UTILITY FEES, TAXES, REVENUES, SPONSORSHIPS,  
18 DONATIONS, COSTS, AND/OR OTHER FINANCIAL OR IN-  
19 KIND CONTRIBUTIONS, IN WHATEVER FORM THEY MAY  
20 TAKE (COLLECTIVELY, "CONTRIBUTIONS"), TO A  
21 MUNICIPAL GENERAL FUND ARE INCORPORATED IN THE  
22 FINAL VERSION OF BOTH BILLS; DIRECTING  
23 LEGISLATIVE SERVICES TO CIRCULATE THIS  
24 RESOLUTION TO THE FLORIDA LEGISLATURE;  
25 REQUESTING EMERGENCY PASSAGE UPON INTRODUCTION;  
26 PROVIDING AN EFFECTIVE DATE.

27  
28 **WHEREAS,** Article VIII of the Constitution of the State of  
29 Florida identifies consolidated governments as separate legal units  
30 of local government that are distinguished from municipalities; and

31 **WHEREAS,** the consolidated City of Jacksonville was established

1 by special act of the Florida Legislature; and

2       **WHEREAS**, Article VIII of the Constitution of the State of  
3 Florida establishes the authority of counties, chartered and non-  
4 chartered, and municipalities to exercise all powers of local  
5 government not inconsistent with general or special law; this  
6 principal is more commonly known as "Home Rule"; and

7       **WHEREAS**, Chapter 1 of the Charter of the City of Jacksonville  
8 (the "Charter") provides for consolidation of the county government  
9 of Duval County and the municipal government of the City of  
10 Jacksonville with certain other enumerated authorities and special  
11 districts, including all boards, bodies and officers thereof, into a  
12 single body politic and corporate pursuant to the power granted by  
13 the Constitution of the State of Florida; and

14       **WHEREAS**, the consolidated government possesses all the  
15 properties, rights, capacities, privileges, powers, franchises,  
16 immunities, liabilities, obligations and duties of the former  
17 governments and special districts and has jurisdiction as a chartered  
18 county government and a municipality throughout Duval County except  
19 in the Cities of Jacksonville Beach, Atlantic Beach, and Neptune  
20 Beach and the Town of Baldwin; and

21       **WHEREAS**, Section 21.01 of the Charter creates and establishes  
22 JEA, an independent body politic and corporate, which is authorized  
23 to own, manage, and operate *for the benefit of the City of*  
24 *Jacksonville* the utilities systems, including electric, water, sewer,  
25 natural gas, and such other utility system as may be under JEA's  
26 control now or in the future, within and without the City of  
27 Jacksonville; and

28       **WHEREAS**, in recognition of the unique relationship between the  
29 City and JEA, JEA makes an annual contribution to the City's general  
30 fund in support of a myriad of programs and services that are integral  
31 to the general functions and operations of the consolidated City of

1 Jacksonville; and

2       **WHEREAS,** House Bill 1331 and Senate Bill 1380 were introduced  
3 this legislative session and dictate a limitation on the amount of  
4 such general fund contributions by setting a not-to-exceed cap on  
5 transfers of municipal electric, natural gas, water, and wastewater  
6 utility revenues, which may also include fees, taxes, sponsorships,  
7 donations, costs, or other financial or in-kind contributions, in  
8 whatever form they may take (collectively, "contributions"), to a  
9 municipal general fund; and

10       **WHEREAS,** neither House Bill 1331 nor Senate Bill 1380 defines  
11 a "municipal utility"; however, the legislative history and staff  
12 analysis reference a PowerPoint presentation from the Florida  
13 Municipal Electric Authority that specifically lists Jacksonville as  
14 one of the 33 municipal electric utilities in the state and further  
15 as one of three municipal utility entities having an "appointed  
16 utility authority" as its municipal governance structure; and

17       **WHEREAS,** while it is the City of Jacksonville's contention  
18 that the restrictions outlined in House Bill 1331 and Senate 1380 do  
19 not apply to the City of Jacksonville and JEA, absent express language  
20 to the contrary, a reasonable person could imply that this legislation  
21 is intended to include the City of Jacksonville and JEA, without  
22 regard to the City's status as a city-county (consolidated)  
23 government; and

24       **WHEREAS,** the Council finds that absent an express exemption  
25 for the consolidated City of Jacksonville and JEA from House Bill  
26 1331 and Senate Bill 1380, including, but not limited to, the proposed  
27 limitations on utility contributions to a general fund to support  
28 general government functions, said legislation would have a  
29 devastating impact to the City and its general fund; and

30       **WHEREAS,** recognizing the significant negative impact the  
31 limitations proposed by House Bill 1331 and Senate Bill 1380 would

1 have on municipalities throughout the State of Florida, and because  
2 there is not an express exemption for consolidated government or  
3 utilities established pursuant to a charter of a consolidated  
4 government included in the bills, the City Council previously adopted  
5 Resolution 2023-219-A on March 28, 2023, expressing its strong  
6 opposition to both House Bill 1331 and Senate Bill 1380; and

7 **WHEREAS,** subsequent to the City's adoption of Resolution 2023-  
8 219-A, the City has engaged in robust discussions with local  
9 representation in the Florida Legislature to determine whether  
10 language could be proposed for an amendment to House Bill 1331 and  
11 Senate Bill 1380 to clarify that said legislation does not apply to  
12 the City of Jacksonville as a consolidated charter government or JEA  
13 which provides utility services for the benefit of the City; and

14 **WHEREAS,** it is the City Council's understanding that such an  
15 amendment would be proposed were the City to provide a Resolution  
16 requesting this action be taken; and

17 **WHEREAS,** therefore, the Council respectfully requests the  
18 Florida Senate and House of Representatives acknowledge the City's  
19 Home Rule authority and its powers under the Constitution of the  
20 State of Florida and the Charter of the City of Jacksonville by  
21 defeating House Bill 1331 and Senate Bill 1380 as currently drafted  
22 or withholding its support until substantial revisions expressly  
23 exempting the City of Jacksonville and JEA from the entirety of said  
24 legislation or, in the alternative, expressly exempting the City of  
25 Jacksonville and JEA from imposition of any limitation or not-to-  
26 exceed cap on utility contributions to the City's general fund are  
27 incorporated into the final versions of each bill; and

28 **WHEREAS,** the City Council maintains its strong opposition to  
29 House Bill 1331 and Senate Bill 1380 as currently drafted absent  
30 substantial revisions to expressly exempt the City of Jacksonville  
31 and JEA as stated herein; now, therefore

1           **BE IT RESOLVED** by the Council of the City of Jacksonville:

2           **Section 1.           Request to the Legislature of the State of**  
3 **Florida to Defeat House Bill 1331 and Senate Bill 1380 or,**  
4 **Alternatively, to Amend to Expressly Exclude the City of Jacksonville**  
5 **and JEA.** The City Council requests the Florida Legislature defeat  
6 House Bill 1331 and Senate Bill 1380 as currently drafted or withhold  
7 its support until substantial revisions expressly exempting the City  
8 of Jacksonville and JEA from the entirety of the legislation or, in  
9 the alternative, expressly exempting the City of Jacksonville and JEA  
10 from imposition of any limitation or not-to-exceed cap on transfers  
11 of municipal electric, natural gas, water, or wastewater  
12 contributions to a municipal general fund to finance general  
13 government operations and functions, are incorporated into the final  
14 versions of both bills.

15           **Section 2.           Direction to the Chief of Legislative Services**  
16 **Division.** The Chief of Legislative Services Division is hereby  
17 directed to provide a copy of this Resolution to the Florida  
18 Legislature, the Duval County Legislative Delegation, the Senate  
19 President, and the Speaker of the House.

20           **Section 3.           Requesting Emergency Passage Upon Introduction**  
21 **Pursuant to Council Rule 4.901 Emergency.** Emergency passage upon  
22 introduction of this legislation is requested. The nature of the  
23 emergency is that the Council would like to submit this request for  
24 an amendment to House Bill 1331 and Senate Bill 1380 as stated above  
25 as soon as possible to ensure the Florida Legislature is able to  
26 consider and timely act upon the request before the bills are taken  
27 up for final action.

28           **Section 4.           Effective Date.** This Resolution shall become  
29 effective upon signature by the Mayor or upon becoming effective  
30 without the Mayor's signature.  
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1 Form Approved:

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3           /s/ Mary E. Staffopoulos          

4 Office of General Counsel

5 Legislation Prepared By: Mary E. Staffopoulos

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