

STORAGE NAME: h1501.ca

DATE: March 16, 1999

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
ANALYSIS - LOCAL LEGISLATION**

BILL #: HB 1501

RELATING TO: Renaming of Jacksonville Electric Authority

SPONSOR(S): Representative Fuller

COMPANION BILL(S): None

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

(1) COMMUNITY AFFAIRS

(2)

(3)

(4)

(5)

I. SUMMARY:

The bill amends the name of the Jacksonville Electric Authority to JEA. The bill also corrects references to other laws, and removes certain superfluous provisions.

The bill has no fiscal impact.

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II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Jacksonville Charter

The City of Jacksonville functions under a consolidated government, as a municipal corporation that has jurisdiction both as a municipality and as a county. The government's jurisdiction extends throughout Duval County. The 1992 Legislature enacted chapter 92-341, L.O.F., which readopted the entire Charter of the City of Jacksonville, reflecting changes made by local ordinances as well as by special acts. The Charter has been subsequently amended each year since.

Chapter 92-341, L.O.F., as amended, provides for local amendment of the Charter without an act of the Legislature. It further provides that the Charter may only be amended by ordinance or by petition signed by qualified Duval County voters, followed by a public referendum.

The Charter also contains the following directions to the City Council:

The City Council of the City of Jacksonville is directed to advise the Legislature of any home rule or referendum amendments or revisions to the Charter of the City of Jacksonville. Such advice shall be in the form of a reviser's bill for such further legislative revision of the Legislature after such local charter amendments or revisions have occurred. To date this provision of chapter 92-341, L.O.F., has not been adhered to by the city. The effect of this is there are changes to the city's Charter accomplished by local ordinance that are not reflected in the Laws of Florida.

JEA History

Chapter 67-1569, L.O.F., created the Jacksonville Electric Authority. The act gave the Jacksonville Electrical Authority the power to own, manage, and operate an electric utilities system in the City of Jacksonville and in any and all counties adjacent thereto. In 1977, the legislature created article 29 of the Jacksonville Charter, titled, "the Independent Agency Sunset Law of 1977." The act terminated the Jacksonville Electric Authority on October 1, 1978. The following session, the legislature expressly repealed 67-1569, L.O.F., and recreated, by special act, the Jacksonville Electric Authority provisions as article 30 of the Charter of the City of Jacksonville. Article 30 took effect on October 1, 1978, the day the Jacksonville Electric Authority terminated under article 29. The effect of these acts were to make the Jacksonville Electric Authority part of the Charter of the city of Jacksonville, and therefore, amendable by ordinance or a petition, followed by a referendum. (Consequently, in 1982, the legislature passed 82-309, L.O.F., repealing, and removing article 29 from the city of Jacksonville Charter)

In 1992, with the passage of 92-341, the article 30 provisions were carried forward in article 21 of the current City of Jacksonville Charter. However, there are various "free standing" special acts associated with the Jacksonville Electric Authority that were not repealed by 92-341 L.O.F. These special acts continue to operate today. One such act is the one addressed in this bill: chapter 80-513, L.O.F., as amended by chapter 82-312, L.O.F. In summary, most if not all provisions that govern the JEA are contained in the Jacksonville City Charter provisions under article 21. However, independent of the charter provisions, there are numerous special acts that apply to the JEA. This bill amends several of those "free standing" special acts as well as, by reference, changes to the old special act (chapter 67-320, L.O.F.) that no longer exists.

JEA Today

JEA owns, operates and manages the electric system which was first established by the City of Jacksonville in 1895. The water and sewer system was established by the City of Jacksonville in 1880. JEA is the largest municipality owned electric utility in Florida. The JEA's electric system currently serves more than 335,000 customers. The JEA's water system serves 170,000 water customers and 127,000 sewer customers, or about 83 percent of the total water and sewer utility customers in Duval County. The governing body of the JEA consists of seven members appointed by the Mayor and confirmed by the City Council. The JEA is not subject to state regulation except for certain environmental and health matters, power plant siting, electric safety, and electric rate structure matters.

On September 22 1998, the Council of the City of Jacksonville passed the Ordinance 98-253-E. The ordinance amended article 21 of the Charter of the City of Jacksonville. Part of the substantive changes made by the ordinance was to change the name of the Jacksonville Electric Authority to JEA.

B. EFFECT OF PROPOSED CHANGES:

The bill amends chapter 80-513, L.O.F., as amended by 82-312, L.O.F. to conform to Ordinance 98-253-E, passed by the Council of the City of Jacksonville on September 22, 1998.

The act makes the following changes to chapter 80-513, L.O.F., as amended:

- Changes the name from the Jacksonville Electric Authority to JEA.
- Removes superfluous provisions.
- Corrects references to the 1967 charter to reflect 92-341, L.O.F.
- Removes a reference to a provision of law that does not exist.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Chapter 80-513, L.O.F, as amended by chapter 82-312, L.O.F.

D. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

An agency or program is not eliminated or reduced.

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

Not applicable.

(2) what is the cost of such responsibility at the new level/agency?

Not applicable.

(3) how is the new agency accountable to the people governed?

Not applicable.

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?
No.
- b. Does the bill require or authorize an increase in any fees?
No.
- c. Does the bill reduce total taxes, both rates and revenues?
No.
- d. Does the bill reduce total fees, both rates and revenues?
No.
- e. Does the bill authorize any fee or tax increase by any local government?
No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?
No.
- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?
No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?
No.
- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?
No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:
The bill does not purport to provide services to families or children.
 - (1) Who evaluates the family's needs?
Not applicable.
 - (2) Who makes the decisions?
Not applicable.

(3) Are private alternatives permitted?

Not applicable.

(4) Are families required to participate in a program?

Not applicable.

(5) Are families penalized for not participating in a program?

Not applicable.

b. Does the bill directly affect the legal rights and obligations between family members?

No.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

The bill does not create or change a program providing services to families or children.

(1) parents and guardians?

Not applicable.

(2) service providers?

Not applicable.

(3) government employees/agencies?

Not applicable.

E. SECTION-BY-SECTION ANALYSIS:

Section 1 -- Amends section 1 of chapter 80-513, L.O.F., as amended, to change the name of the Jacksonville Electric Authority to JEA.

Section 2 -- Amends subsection (b) of section 2 of chapter 80-513, L.O.F., as amended, to change the name of the Jacksonville Electric Authority to JEA.

Section 3 -- Amends section 3 of chapter 80-513, L.O.F., as amended, to change the name of the Jacksonville Electric Authority to JEA; changes forty (40) to 40.

Section 4 -- Amends section 4 of chapter 80-513, L.O.F., as amended, to change the name of the Jacksonville Electric Authority to JEA.

Section 5 -- Amends section 6 of chapter 80-513, L.O.F., as amended, to change the name of the Jacksonville Electric Authority to JEA.

Section 6 -- Amends section 8 of chapter 80-513, L.O.F., as amended, to change the name of the Jacksonville Electric Authority to JEA; changes thirty (30) day to 30 day.

Section 7 -- Amends section 9 of chapter 80-513, L.O.F., as amended, to change the name of the Jacksonville Electric Authority to JEA; corrects the language of the act.

Section 8 -- Amends section 10 of chapter 80-513, L.O.F., as amended, to change the name of the Jacksonville Electric Authority to JEA; inserts the word *from* to correct the language of the act.

Section 9 -- Amends section 11 of chapter 80-513, L.O.F., as amended, to change the name of the Jacksonville Electric Authority to JEA.

Section 10 -- Amends subsections (1), (2), and (4) of section 12 of chapter 80-513, L.O.F., as amended, to change the name of the Jacksonville Electric Authority to JEA; changes sixty (60) to 60.

Section 11 -- Amends paragraph (1) of subsection (a) and subsection (b) of section 13 of chapter 80-513, L.O.F., as amended, to change the name of the Jacksonville Electric Authority to JEA.

Section 12 -- Amends section 14 of chapter 80-513, L.O.F., as amended, to change the name of the Jacksonville Electric Authority to JEA; corrects references to other laws to reflect the readoption of the City of Jacksonville charter in 1992.

Section 13 -- Amends section 15 of chapter 80-513, L.O.F., as amended, to change the name of the Jacksonville Electric Authority to JEA.

Section 14 -- Amends section 16 of chapter 80-513, L.O.F., as amended, to change the name of the Jacksonville Electric Authority to JEA.

Section 15 -- Repeals section 17 of chapter 80-513, L.O.F., as created by section 13 of chapter 82-312, L.O.F.

Section 16 -- Renumbers section 18 of chapter 80-513, L.O.F., as amended, to reflect the repeal of section 17.

Section 17 -- Renumbers sections 19 and 20 of chapter 80-513, L.O.F., as amended, to reflect the repeal of section 17.

Section 18 -- Provides an effective date upon becoming law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? October 20, 1998

WHERE? Financial News and Daily Record

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

IV. COMMENTS:

The City Council of the City of Jacksonville has not introduced a revisor bill reflecting the revisions to 92-341, L.O.F., made by the 98-253-E ordinance. This bill only revises one of the "free standing" special acts in regards to Jacksonville Electric Authority. The JEA has stated their intent to introduce legislation next session to reflect these changes.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

A technical amendment is needed to correct the reference in section 11 of 80-513, L.O.F., to 67-1320, L.O.F. An amendment inserting 92-341, L.O.F., would conform the act to current law.

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VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

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