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# **LOCAL GOVERNMENT AFFAIRS SUBCOMMITTEE**

## **ACTION PACKET**

**Monday, January 25, 2016  
12:30 p.m.  
Webster Hall (212 Knott)**

**Steve Crisafulli  
Speaker**

**Debbie Mayfield  
Chair**

**COMMITTEE MEETING REPORT**  
**Local Government Affairs Subcommittee**  
**1/25/2016 12:30:00PM**

**Location:** Webster Hall (212 Knott)

**Summary:**

**Local Government Affairs Subcommittee**

*Monday January 25, 2016 12:30 pm*

CS/HB 691	Favorable	Yeas: 10	Nays: 0
HB 1221	Favorable	Yeas: 11	Nays: 0
HB 1265	Favorable	Yeas: 10	Nays: 0
HB 1267	Favorable With Committee Substitute Amendment 269959 Adopted Without Objection	Yeas: 10	Nays: 0
HB 1339	Favorable With Committee Substitute Amendment 166999 Adopted Without Objection	Yeas: 10	Nays: 0
HB 1355	Favorable With Committee Substitute Amendment 165415 Adopted Without Objection	Yeas: 8	Nays: 3
HB 1371	Favorable	Yeas: 11	Nays: 0
HB 1417	Favorable	Yeas: 11	Nays: 0

Committee meeting was reported out: Monday, January 25, 2016 4:11:26PM

**COMMITTEE MEETING REPORT**  
**Local Government Affairs Subcommittee**  
**1/25/2016 12:30:00PM**

**Location:** Webster Hall (212 Knott)

**Attendance:**

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Debbie Mayfield (Chair)	X		
Matt Caldwell			X
Daphne Campbell	X		
Jose Diaz	X		
Dwight Dudley	X		
George Moraitis, Jr.	X		
Amanda Murphy	X		
Cary Pigman	X		
Kevin Rader	X		
Lake Ray			X
Jimmie Smith	X		
Charlie Stone	X		
Jennifer Sullivan	X		
<b>Totals:</b>	<b>11</b>	<b>0</b>	<b>2</b>

**COMMITTEE MEETING REPORT**  
**Local Government Affairs Subcommittee**  
**1/25/2016 12:30:00PM**

**Location:** Webster Hall (212 Knott)

**CS/HB 691 : Retail Sale of Dextromethorphan**

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Matt Caldwell			X		
Daphne Campbell	X				
Jose Diaz	X				
Dwight Dudley	X				
George Moraitis, Jr.	X				
Amanda Murphy	X				
Cary Pigman			X		
Kevin Rader	X				
Lake Ray			X		
Jimmie Smith	X				
Charlie Stone	X				
Jennifer Sullivan	X				
Debbie Mayfield (Chair)	X				
<b>Total Yeas: 10</b>		<b>Total Nays: 0</b>			

**Appearances:**

Retail Sale of Dextromethorphan  
Hansen, Christopher (Lobbyist) - Proponent  
Consumer Healthcare Products Association (CHPA)  
Ballard Partners  
403 E Park Ave  
Tallahassee FL 32301  
Phone: 850-577-0444

**COMMITTEE MEETING REPORT**  
**Local Government Affairs Subcommittee**  
**1/25/2016 12:30:00PM**

**Location:** Webster Hall (212 Knott)

**HB 1221 : Barron Water Control District, Glades and Hendry Counties**

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Matt Caldwell			X		
Daphne Campbell	X				
Jose Diaz	X				
Dwight Dudley	X				
George Moraitis, Jr.	X				
Amanda Murphy	X				
Cary Pigman	X				
Kevin Rader	X				
Lake Ray			X		
Jimmie Smith	X				
Charlie Stone	X				
Jennifer Sullivan	X				
Debbie Mayfield (Chair)	X				
<b>Total Yeas: 11</b>		<b>Total Nays: 0</b>			

**Appearances:**

Barron Water Control District, Glades and Hendry Counties  
 Lyon, Chris (Lobbyist) - Waive In Support  
 Barron Water Control District  
 Attorney  
 315 S. Calhoun St. Suite 830  
 Tallahassee FL 32301  
 Phone: 850-222-5702

**COMMITTEE MEETING REPORT**  
**Local Government Affairs Subcommittee**  
**1/25/2016 12:30:00PM**

**Location:** Webster Hall (212 Knott)

**HB 1265 : Greater Naples Fire Rescue District, Collier County**

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Matt Caldwell			X		
Daphne Campbell	X				
Jose Diaz	X				
Dwight Dudley	X				
George Moraitis, Jr.	X				
Amanda Murphy	X				
Cary Pigman			X		
Kevin Rader	X				
Lake Ray			X		
Jimmie Smith	X				
Charlie Stone	X				
Jennifer Sullivan	X				
Debbie Mayfield (Chair)	X				
<b>Total Yeas: 10</b>		<b>Total Nays: 0</b>			

**Appearances:**

Greater Naples Fire Rescue District, Collier County  
 Schuld, Kingman (General Public) - Waive In Support  
 Greater Naples Fire Rescue District  
 Fire Chief  
 14575 Collier Blvd  
 Naples FL 34119  
 Phone: 239-348-7540

**COMMITTEE MEETING REPORT**  
**Local Government Affairs Subcommittee**  
**1/25/2016 12:30:00PM**

**Location:** Webster Hall (212 Knott)

**HB 1267 : Greater Naples Fire Rescue District, Collier County**

*Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Matt Caldwell			X		
Daphne Campbell	X				
Jose Diaz	X				
Dwight Dudley	X				
George Moraitis, Jr.	X				
Amanda Murphy	X				
Cary Pigman			X		
Kevin Rader	X				
Lake Ray			X		
Jimmie Smith	X				
Charlie Stone	X				
Jennifer Sullivan	X				
Debbie Mayfield (Chair)	X				
<b>Total Yeas: 10</b>		<b>Total Nays: 0</b>			

**HB 1267 Amendments**

**Amendment 269959**

*Adopted Without Objection*

**Appearances:**

Greater Naples Fire Rescue District, Collier County  
 Schuldts, Kingman (General Public) - Waive In Support  
 Greater Naples Fire Rescue District  
 Fire Chief  
 14575 Collier Blvd  
 Naples FL 34119  
 Phone: 239-348-7540



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

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1 Committee/Subcommittee hearing bill: Local Government Affairs  
 2 Subcommittee  
 3 Representative Passidomo offered the following:

**Amendment**

4  
 5  
 6 Remove line 109 and insert:  
 7 all of Sections 16 through 22, that portion of Section

**COMMITTEE MEETING REPORT**  
**Local Government Affairs Subcommittee**  
**1/25/2016 12:30:00PM**

**Location:** Webster Hall (212 Knott)

**HB 1339 : City of Webster, Sumter County**

*Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Matt Caldwell			X		
Daphne Campbell	X				
Jose Diaz	X				
Dwight Dudley	X				
George Moraitis, Jr.	X				
Amanda Murphy	X				
Cary Pigman			X		
Kevin Rader	X				
Lake Ray			X		
Jimmie Smith	X				
Charlie Stone	X				
Jennifer Sullivan	X				
Debbie Mayfield (Chair)	X				
<b>Total Yeas: 10</b>		<b>Total Nays: 0</b>			

**HB 1339 Amendments**

**Amendment 166999**

*Adopted Without Objection*

**Appearances:**

City of Webster, Sumter County  
Williams, Kelly A. - Waive In Support  
The City of Webster, FL  
Mayor  
85 E. Central Avenue  
Webster FL 33597  
Phone: 352-793-2073



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Committee/Subcommittee hearing bill: Local Government Affairs  
 2 Subcommittee  
 3 Representative O'Toole offered the following:

**Amendment**

6 Remove everything after the enacting clause and insert:  
 7 Section 1. Chapter 57-1944, Laws of Florida, relating to  
 8 the City of Webster, is codified, reenacted, amended, and  
 9 repealed as provided in this act.

10 Section 2. The charter of the City of Webster is re-  
 11 created and reenacted to read:

12 Section 1. Short title.-This act, together with any future  
 13 amendments thereto, shall be known and may be cited as the  
 14 "Charter of the City of Webster," hereinafter referred to as the  
 15 "charter."

16 Section 2. Body corporate; continuous existence.-



Amendment No. 1

17       (1) The incorporated municipality of the City of Webster,  
18 now existing, shall continue to be a body corporate and a  
19 municipal corporation within Sumter County under the name of the  
20 city, and as such, shall have perpetual succession and existence  
21 in accordance with general law.

22       (2) The codes, ordinances, policies, and actions, of  
23 whatever type or nature, of the City of Webster shall carry  
24 forward after the effective date of this act insofar as  
25 consistent with this act and the said codes, ordinances,  
26 policies, and actions are ratified and affirmed.

27       Section 3. Boundaries.—The boundaries and corporate limits  
28 existing at the time of the adoption of this charter may be  
29 amended as provided by general law. The boundaries are described  
30 as follows:

31  
32 The South 1/2 of the Northeast 1/4 and the East 1/2 of the  
33 Southeast 1/4 of Section 36, Township 21 South, Range 22 East,  
34 Sumter County, Florida; and the Southwest 1/4 of the West 1/2 of  
35 the Southeast 1/4 of Section 31, Township 21 South, Range 23  
36 East, Sumter County, Florida; and the East 1/2 of the Northeast  
37 1/4 of Section 1 Township 22 South, Range 22 East, Sumter  
38 County, Florida; and the West 1/2 of the Northeast 1/4 of  
39 Section 6, Township 22 South Range 23 East, Sumter County,  
40 Florida.

41  
42 TOGETHER WITH:



Amendment No. 1

43  
44 The South-1/2 of the Northeast -1/4; and the East-1/2 of the  
45 Southeast-1/4; and the East-1/2 of the Southeast-1/4 of the of  
46 the Northwest-1/4 all being in Section 36, Township 21 South,  
47 Range 22 East, Sumter County, Florida.

48  
49 And

50  
51 The Southwest-1/4 and the West-1/2 of the Southeast-1/4 of  
52 Section 31, Township 21 South, Range 23 East, Sumter County,  
53 Florida.

54  
55 And

56  
57 The East 1/2 of the Northeast-1/4 of Section 1, Township 22  
58 South, Range 22 East, Sumter County, Florida.

59 And  
60

61 The West-1/2 of the Northeast-1/4; and the Northwest-1/4 of  
62 Section 6, Township 22 South, Range 23 East, Sumter County,  
63 Florida.

64  
65 TOGETHER WITH:  
66



Amendment No. 1

67 The South-1/2 of the Northeast-1/4 and the East-1/2 of the  
68 Southeast-1/4 of Section 36, Township 21 South, Range 22 East,  
69 Sumter County, Florida.

70

71 And

72

73 The Southwest-1/4 and the West-1/2 of the Southeast-1/4 of  
74 Section 31, Township 21 South, Range 23 East, Sumter County,  
75 Florida.

76

77 And

78

79 The East-1/2 of the Northeast-1/4 of Section 1, Township 22  
80 South, Range 22 East;

81

82 W-1/2 of the NE-1/4 and the NW-1/4 of Section 6, Township 22  
83 South, Range 23 East;

84

85 And

86

87 The East-1/2 of the Southeast-1/4 of the Northwest-1/4, Section  
88 36, Township 21 South, Range 22 East, Sumter County, Florida.

89

90 And

91



Amendment No. 1

92 All that portion of the East-1/4 of Section 31, Township 21  
93 South, Range 23 East, Sumter County, Florida, lying Southerly of  
94 the abandoned Seaboard Coastline Railroad right of way and  
95 Northerly of County Road Number 478, LESS beginning 264 feet  
96 East of the Southwest corner of the Southeast-1/4 of the  
97 Southeast-1/4 of said Section, from thence run North 165 feet,  
98 then run East 132 feet, thence run South 165 feet, thence run  
99 West 132 feet to a Point of Beginning.

100  
101 TOGETHER WITH:

102  
103 Lot 12, Block A, BAYS SUBDIVISION, as recorded in Plat Book 4,  
104 Page 46, Public Records of Sumter County.

105  
106 TOGETHER WITH:

107  
108 The North 435.00 feet of the South 870 feet of the West 3/4 of  
109 the Northwest 1/4 of the Northeast 1/4 of Section 1 Township 22  
110 South, Range 22 East, Sumter County, Florida.

111  
112 TOGETHER WITH:

113  
114 Parcel Number: Q31-002, that is, begin at the Northwest corner  
115 of the Southwest-1/4 of the Northwest-1/4 of Section 31,  
116 Township 21 South, Range 23 East, Sumter County, Florida, and



Amendment No. 1

117 run thence East 420 feet, thence South 210 feet, thence West 420  
118 feet, thence North 210 feet to the Point of Beginning.

119  
120 TOGETHER WITH:

121  
122 Parcel Number S01-078, that is the South 435.00 feet of the West  
123 3/4 of the Northwest-1/4 of the Northeast-1/4 of Section 1,  
124 Township 22 South, Range 22 East, Sumter County, Florida; LESS  
125 that portion platted as Tract 5, 6, and 7 Rodgers' Subdivision  
126 as recorded in Plat Book 4, Page 47 of the Public Records of  
127 Sumter County, Florida.

128  
129 TOGETHER WITH:

130  
131 The West 3/4 of the Northwest 1/4 of the Northeast 1/4, LESS the  
132 North 221.51 feet of the West 257.47 feet and the South 870.00  
133 feet thereof of Section 1, Township 22 South, Range 22 East,  
134 Sumter County, Florida; LESS that portion platted as Tracts 5,  
135 6, 7 Rodgers' Subdivision as recorded in Plat Book 4, Page 47 of  
136 the Public Records of Sumter County, Florida.

137  
138 Section 4. Municipal powers.-

139 (1) The city, as a body corporate and politic, has all  
140 powers of a municipality existing under the Constitution and  
141 laws of the State of Florida, as fully and completely as though  
142 such powers were specifically enumerated in this charter, unless



Amendment No. 1

143 otherwise specifically prohibited by or contrary to the  
144 provisions of this charter.

145 (2) Without limiting the generality of subsection (1), the  
146 city has all governmental, corporate, and proprietary powers  
147 necessary to enable it to conduct municipal government, perform  
148 municipal functions, and render municipal services, and may  
149 exercise any power for municipal purposes under the home rule  
150 powers of municipalities as set forth in the Constitution of the  
151 State of Florida and general law.

152 (3) The city has all planning and land use regulatory  
153 powers of a municipality with regard to all lands located within  
154 the city limits of the city.

155 (4) The powers of the city shall be liberally construed in  
156 favor of the city.

157 Section 5. City council; composition; qualifications for  
158 office.-

159 (1) COMPOSITION OF THE CITY COUNCIL.-

160 (a) There shall be a five-member city council consisting  
161 of the mayor and four city council members.

162 (b) The mayor and city council members shall run for  
163 office at large and be elected at large.

164 (2) QUALIFICATIONS FOR OFFICE.-

165 (a) Each candidate for office shall be a qualified elector  
166 of the city.

167 (b) Each candidate for office must have resided in the  
168 city continuously for a minimum of 12 months immediately before



Amendment No. 1

169 qualifying. A resident, for the purpose of qualifying for  
170 office, and while maintaining office, shall be a person whose  
171 principal place of physical residence is in the city.

172 (c) The charter officers of the city manager and city  
173 attorney may not be candidates for any elected office while  
174 holding a charter officer position.

175 Section 6. City elections.-

176 (1) ELECTION PROCEDURE.-All elections shall be held in  
177 accordance with the provisions of the state election code except  
178 as otherwise provided by this charter, or by the present or  
179 future ordinances of the city.

180 (2) REGISTRATION OF ELECTORS.-A citizen of the United  
181 States who has resided within the city for a period of at least  
182 30 days shall be eligible to register as a city elector so long  
183 as residency is maintained. Registration shall be permanent and  
184 in conformity with general law.

185 (3) CANVASSING AND QUALIFICATION.-

186 (a) Unless a majority of the city council votes to use the  
187 supervisor of elections for qualifying of candidates and  
188 conducting the election and the county canvassing board for  
189 canvassing the election, the city council shall conduct the  
190 election and has authority to determine the qualification of its  
191 members, subject to review by the courts.

192 (b) If the city council has not authorized the county  
193 canvassing board to canvass the election, at the time that the  
194 city council meets to canvass the results of an election, a



Amendment No. 1

195 registered elector of the city is entitled to file with the city  
196 council an affidavit setting out the facts showing that a  
197 candidate has violated the provisions of this charter as to the  
198 manner of his or her election, or is otherwise unqualified to  
199 hold office, and the city council shall take proof at such  
200 meeting and declare the results.

201 (c) The city council may by ordinance authorize the  
202 supervisor of elections to provide for qualifying for candidates  
203 and conduct the election and for the county canvassing board to  
204 canvass the election. If the city council provides the  
205 supervisor of elections and the county canvassing board with  
206 such authority, then the supervisor of elections is responsible  
207 for the qualifying of candidates and conducting the election and  
08 the county canvassing board shall canvass the election. Once an  
209 ordinance is enacted authorizing the transfer of these  
210 responsibilities, the supervisor of elections and the county  
211 canvassing board shall retain this authority at all subsequent  
212 elections unless the city council enacts a subsequent ordinance  
213 transferring such responsibility back to the city. Such  
214 ordinance must be enacted and provided to the supervisor of  
215 elections and county canvassing board at least 1 year before the  
216 next general election.

217 Section 7. Terms of office.-

218 (1) The term of office for the mayor and each city council  
219 member is 4 years. Consecutive terms are limited to two full 4-  
220 year terms with a minimum of a 1-year period of time out of



Amendment No. 1

221 office before being allowed to run for the city council  
222 subsequently.

223 (2) The mayor and each city council member shall remain in  
224 office until his or her successor is elected and assumes the  
225 duties of the position.

226 (3) The terms of office in effect on the effective date of  
227 this charter shall continue to be in effect and elections shall  
228 occur accordingly.

229 (4) The mayor and city council members may succeed  
230 themselves.

231 Section 8. Powers and duties of city council.-

232 (1) The form of government of the City of Webster shall be  
233 the council-manager form of government whereby the mayor and  
234 city council are collectively the head of city government with  
235 regard to policy with a city manager serving in the role of  
236 chief administrative officer as set forth in this charter. The  
237 city attorney shall be the only charter officer aside from the  
238 mayor and city council and the city manager.

239 (2) Except as otherwise prescribed in this charter or  
240 provided by general law, all policy setting, legislative, and  
241 police powers of the city are vested in the mayor and city  
242 council, including, but not limited to, the following:

243 (a) Enacting ordinances under the police power, land  
244 development regulatory power, and other home rule powers  
245 pertinent to municipalities.



Amendment No. 1

246 (b) Establishing public policy and providing general  
247 direction for administrative actions.

248 (c) Reviewing and approving all policy manuals relating to  
249 the operations and administration of city government.

250 (d) Reviewing and approving all administrative  
251 recommendations for staff classifications and reclassifications,  
252 and wages and salaries.

253 (e) Approving contracts and other fiscal matters relating  
254 to the operations of city government except as may be delegated  
255 to the city manager.

256 (f) Creating city departments and offices and establishing  
257 and funding positions for the operation and administration of  
258 such departments and offices as deemed necessary.

259 (g) Creating and appointing members to boards,  
260 commissions, committees, task forces, and such other bodies as  
261 deemed necessary.

262 (3) The city council shall provide for the exercise of its  
263 powers and for the performance of all duties and obligations  
264 imposed on the city by general law by means of ordinance,  
265 resolution, motion, policy directive, or other appropriate  
266 action.

267 (4) The city council shall adopt a purchasing policies  
268 manual and a personnel policies manual.

269 (5) Neither the city council nor any of its members shall  
270 dictate the appointment of any person to office or employment by  
271 the city manager or in any manner prevent the city manager from



Amendment No. 1

272 using his or her own judgment in selecting those officers or  
273 employees which he or she is entitled to appoint or select under  
274 the provisions of this charter. Except for the purposes of  
275 inquiry and information, the city council and its members shall  
276 deal with the administrative service solely through the city  
277 manager and neither the city council nor any member thereof  
278 shall give orders to the subordinates of the city manager,  
279 either publicly or privately.

280 Section 9. Powers and duties of the mayor and mayor pro  
281 tempore.-

282 (1) MAYOR.-The mayor shall be a member of the city council  
283 and is considered, in every respect, as part of the city council  
284 for the purposes of votes and actions by the city council. In  
285 addition to the regular powers invested in any city council  
286 member, the mayor shall:

287 (a) Be recognized by the Governor for purposes of military  
288 law and have the power to declare an emergency.

289 (b) Preside at meetings of the city council and be  
290 recognized as the head of city government for all ceremonial  
291 occasions and purposes, but has no administrative duties except  
292 as to carry out the responsibilities provided in this charter.

293 (c) Execute city contracts, deeds, and other documents  
294 unless delegated to the city manager.

295 (d) Have the power to represent the city in all agreements  
296 with other governmental entities and provide certifications to



Amendment No. 1

297 other governmental entities that the city council has approved  
298 unless such powers are delegated to another city official.

299 (e) Coordinate with both elected officials and city staff  
300 of neighboring cities and counties on items that are of mutual  
301 concern or items that require an exchange of information.

302 (f) Coordinate with the city manager, city attorney, and  
303 city council on city legal matters.

304 (2) MAYOR PRO TEMPORE.—At the first regular meeting after  
305 each regular municipal election, at which newly elected city  
306 council members assume their duties of office, the five city  
307 council members shall, by majority vote of the city council,  
308 select a city council member, exclusive of the mayor, to act as  
309 mayor pro tempore. In addition to the regular powers invested in  
10 any city council member, the mayor pro tempore shall:

311 (a) Have all the powers and duties of the mayor in the  
312 absence from the city of the mayor or his or her inability to  
313 act, whether by reason of his or her death, resignation,  
314 impeachment, mental or physical sickness, or for any other  
315 reason, and the city clerk certifies as to the absence from the  
316 city of the mayor or his or her inability to act, upon demand,  
317 when the mayor is so absent from the city or unable to act; and

318 (b) Serve as acting mayor during the absence or disability  
319 of the mayor, and during such period, has the same powers and  
320 duties as the mayor.

321 (3) ALTERNATIVE TO FILLING VACANCY.—In the absence of the  
322 mayor and the mayor pro tempore, the remaining city council



Amendment No. 1

323 members shall elect a city council member to serve as acting  
324 mayor.

325 Section 10. Compensation and expenses.-

326 (1) The mayor and city council members shall continue to  
327 receive the salary in effect for their positions on the date  
328 that this charter becomes effective. Thereafter, they shall  
329 receive compensation as established by adoption of an ordinance  
330 which adjusts that salary, but an ordinance increasing such  
331 salary may not take effect until after the next regular city  
332 election. The salaries of the mayor and city council members may  
333 be different at the determination of the city council, but all  
334 salaries for city council members not serving as mayor shall be  
335 equal.

336 (2) The mayor and city council members shall be reimbursed  
337 for actual expenses incurred while performing their official  
338 duties in accordance with provisions of general law or  
339 resolution adopted by the city council.

340 Section 11. Vacancies; forfeiture of office; suspension;  
341 recall; filling of vacancies.-

342 (1) VACANCIES.-A vacancy in the office of mayor or of a  
343 city council member shall occur upon the death of the incumbent,  
344 removal from office as authorized by general law, resignation,  
345 election or appointment to another public office which creates  
346 dual officeholding, judicially determined incompetence, or  
347 forfeiture of office.



Amendment No. 1

348       (2) FORFEITURE OF OFFICE.—The mayor or a city council  
349 member shall forfeit his or her office upon determination by the  
350 vote of four members of the entire city council, acting as a  
351 body, that he or she has committed any of the following acts:

352       (a) Lacks at any time, or fails to maintain during his or  
353 her term of office, any qualifications for the office prescribed  
354 by this charter or otherwise required by law.

355       (b) Is convicted of a felony, or enters a plea of guilty  
356 or nolo contendere to a crime punishable as a felony, even if  
357 adjudication of guilt is withheld.

358       (c) Is convicted of a first degree misdemeanor arising  
359 directly out of his or her official conduct or duties or enters  
360 a plea or guilty or nolo contendere thereto, even if  
361 adjudication of guilt is withheld.

362       (d) Is found to have violated any standard of conduct or  
363 code of ethics established by law for public officials and has  
364 been suspended from office by the Governor, unless subsequently  
365 reinstated as provided by general law.

366       (e) Is absent from three or more regular meetings of the  
367 city council in a consecutive 6-month period, unless such series  
368 of absences, or any one of the absences, is excused by the city  
369 council by adoption of a resolution setting forth the fact of  
370 such excused absence or absences, thereby making the total of  
371 consecutive and unexcused absences less than three.

372       (3) SUSPENSION FROM OFFICE.—



Amendment No. 1

373       (a) The mayor or a city council member shall be suspended  
374 from office by the city council acting as a body upon return of  
375 an indictment or issuance of an information charging the mayor  
376 or a city council member with any crime that is punishable as a  
377 felony or with any crime arising out of his or her official  
378 conduct or duties which is punishable as a misdemeanor.

379       (b) During the period of suspension, the mayor or the city  
380 council member shall not perform any official act, duty, or  
381 function, or receive any allowance, emolument, or privilege of  
382 office.

383       (c) If the mayor or a city council member is subsequently  
384 found not guilty of the charge, or if the charge is otherwise  
385 dismissed or altered so that suspension would no longer be  
386 required as provided in this charter, the suspension shall be  
387 lifted by the city council and the mayor or city council member  
388 is entitled to receive full back allowances and such other  
389 emoluments as he or she would have been entitled to had the  
390 suspension not occurred.

391       (4) RECALL.—The electors of the city, after following the  
392 procedures for recall established by general law, may remove the  
393 mayor or any city council member from office.

394       (5) FILLING OF VACANCIES.—

395       (a) If, for any reason other than recall, a vacancy occurs  
396 in the office of mayor within the first three years of a term,  
397 the mayor pro tempore shall assume the position of mayor, and  
398 within 30 days after the occurrence of such vacancy, a special



Amendment No. 1

399 election for mayor shall be held to elect a mayor for the  
400 remainder of the unfilled term.

401 (b) In the event that the office of mayor becomes vacant  
402 with less than 1 year remaining in the term, the mayor pro  
403 tempore shall serve as mayor for the remainder of the term of  
404 the mayor and the vacancy in his or her office shall be filled  
405 as provided in the charter for the remainder of his or her term.

406 (c) If, for any reason other than recall, a vacancy occurs  
407 in the office of a city council seat, other than mayor, within  
408 the last year of a term, the office shall be filled for the  
409 remainder of the term by appointment within 30 days after the  
410 occurrence of such vacancy by majority vote of the remaining  
411 city council members.

12 (d) If, for any reason other than recall, a vacancy occurs  
13 in the office of a city council seat within the first three  
414 years of a term, the office shall be filled by appointment  
415 within 30 days after the occurrence of such vacancy by majority  
416 vote of the city council and such appointment shall expire when  
417 a city council member is elected and he or she is seated in  
418 accordance with this charter.

419 (e) If a vacancy occurs as a result of a recall petition,  
420 such vacancy will be filled by special election as provided in  
421 general law.

422 (f) Before a person is appointed to fill a vacant seat on  
423 the city council, he or she must meet all qualifications for  
424 office.



Amendment No. 1

425 Section 12. City council meetings; organizational meeting;  
426 quorum; special meeting.-

427 (1) The city council shall meet regularly at least once a  
428 month. All meetings are subject to notice and other requirements  
429 of law applicable to public meetings.

430 (2) The newly elected city council members, if any, shall  
431 be installed, on the second Tuesday after the first Monday in  
432 January after their election, after taking the oath of office.

433 (3) Installation into office shall be made by the city  
434 council and consist of declaring election results, administering  
435 the oath of office by the city attorney or city clerk, and  
436 receiving a bond from each city council member elected, if  
437 required by ordinance.

438 (4) The oath shall be in substantially the following form:  
439 "I, ....., do solemnly swear (or affirm), that I will support,  
440 protect, and defend the Constitution and government of the  
441 United States and of the State of Florida against all enemies,  
442 domestic or foreign, and that I will bear true faith, loyalty,  
443 and allegiance to the same, and that I am entitled to hold  
444 office under the Constitution; that I will faithfully perform  
445 all duties of the office of ..... of the City of Webster, on  
446 which I am about to enter, so help me, God."

447 (5) The city council shall conduct its meetings in  
448 accordance with Robert's Rules of Order except as prescribed by  
449 resolution or ordinance of the city council.



Amendment No. 1

450 (6) Voting on ordinances and resolutions shall be by roll  
451 call. A majority of the city council constitutes a quorum. No  
452 action of the city council is valid unless adopted by an  
453 affirmative vote of the majority of the city council that is in  
454 attendance, unless otherwise provided by law or ordinance, or  
455 stated in this charter. A tie vote shall result in a motion  
456 failing. All actions of the city council shall be accomplished  
457 by ordinance, resolution, or motion, although the city council  
458 may express its consensus in other appropriate ways.

459 (7) The city council has the power to expel any member of  
460 the audience who is disorderly while the council is in session.

461 (8) Special meetings may be held at the call of the mayor  
462 or, in the absence of the mayor, at the call of the mayor pro  
63 tempore. Special meetings may also be called upon the request of  
464 a majority of the city council members as presented in writing  
465 to the city clerk. At least 24 hours' prior notice of the  
466 meeting must be given to the public, unless a declared emergency  
467 situation exists.

468 Section 13. City manager; appointment, qualifications, and  
469 compensation.-

470 (1) The city council, by simple majority vote, shall  
471 appoint a city manager who shall be a charter officer of the  
472 city and the administrative head of the city government, under  
473 the direction and supervision of the city council, and who shall  
474 hold office at the pleasure of the city council under a contract  
475 that is entered consistent with controlling law. He or she shall



Amendment No. 1

476 receive such compensation as the city council may fix and  
477 determine in such contract. He or she shall be chosen solely on  
478 the basis of his or her executive and administrative  
479 qualifications, without regard to his or her political belief,  
480 and must be 21 years of age or older. The city manager need not  
481 be a resident of the city.

482 (2) The city manager is responsible to the city council  
483 for the proper administration of all affairs of the city coming  
484 under his or her jurisdiction. The city manager's powers include  
485 the following, as well as those that are consistent with sound  
486 and generally accepted public management practices and  
487 principles consistent with this charter and other controlling  
488 law:

489 (a) To see that the laws and ordinances of the city are  
490 enforced;

491 (b) To appoint, suspend, or remove all city employees and  
492 appoint administrative officers provided for by and under this  
493 charter, except as otherwise provided by law;

494 (c) To control, direct, and exercise supervision over all  
495 departments and divisions and offices of the city's government;

496 (d) To fix the compensation of all subordinate city  
497 employees based on a range of pay rate for each class of  
498 employee approved by resolution of the city council;

499 (e) To enforce the city's personnel rules and purchasing  
500 policies;



Amendment No. 1

501 (f) To see that all terms and conditions imposed in favor  
502 of the city or its inhabitants in any public utility franchise  
503 are faithfully kept and performed and, upon knowledge of any  
504 violation thereof, to call the same to the attention of the city  
505 attorney, whose duty it is hereby made to take such legal steps  
506 as may be necessary to enforce the franchise;

507 (g) To attend all meetings of the city council, with a  
508 right to take part in the discussion but without having a vote;

509 (h) To negotiate all contracts, franchises, acquisition,  
510 and disposition of property personally or through agents  
511 designated by him or her and, upon approval thereof by the  
512 council, implement on behalf of the city all agreements, leases,  
513 deeds, and other instruments in connection therewith;

514 (i) To direct and supervise the administration of all  
515 departments, offices, and agencies of the city, except as  
516 otherwise provided by this charter or by law;

517 (j) To make recommendations to the city council concerning  
518 the affairs of the city and facilitate the work of the city  
519 council in developing policy;

520 (k) To assist the council to develop long-term goals for  
521 the city and strategies to implement those goals;

522 (l) To recommend to the city council for adoption such  
523 measures as he or she deems necessary or expedient in the  
524 interest of the city;



Amendment No. 1

525 (m) To prepare and submit the annual budget, budget  
526 message, and capital program to the mayor for review and  
527 approval by the city council;

528 (n) To administer financial transactions of the city,  
529 including investments, withdrawals, and expenditures in  
530 accordance with city investment policies and the adopted city  
531 budget;

532 (o) To keep the mayor and the city council fully apprised  
533 as to the financial condition and the affairs of the city;

534 (p) To act as director of any department as needed;

535 (q) To have prepared and to submit to the city council,  
536 within 6 months after the close of each fiscal year, a complete  
537 audit of the financial condition of the city for the preceding  
538 fiscal year;

539 (r) To sign all checks and agreements or other documents  
540 approved by the city council or required for daily business  
541 needs of the city issued by the city except as otherwise  
542 provided in this charter and to sign such other documents  
543 approved by the city council or required for the daily business  
544 of the city;

545 (s) To perform such other duties as required by this  
546 charter or as directed by the city council;

547 (t) To prepare or administer the preparation of city  
548 policies manuals, ordinances, and similar materials for city  
549 council review and approval;



Amendment No. 1

550 (u) To review employee disciplinary actions taken by  
551 subordinate staff and take final administrative action before  
552 initiation of review, if any, by the city council;

553 (v) To purchase supplies and equipment of the various  
554 departments of the city; and

555 (w) During his or her absence of no more than 14 days, to  
556 appoint an acting city manager. However, with regard to an  
557 absence or disability of any longer period or such other period  
558 of time as may be determined by the city council, the city  
559 council may, by resolution, designate some properly qualified  
560 person to temporarily execute the functions of the office. The  
561 person thus designated has the same powers and duties as the  
562 city manager, and shall be known while so serving as acting city  
563 manager.

564 (3) The city manager or acting city manager may be removed  
565 by the city council at any time consistent with the terms of his  
566 or her contract and controlling law.

567 Section 14. City attorney; qualifications; powers and  
568 duties.-

569 (1) The city attorney is the chief legal officer and  
570 advisor of the city.

571 (2) The city attorney must be a member in good standing of  
572 The Florida Bar.

573 (3) The city attorney shall:

574 (a) Serve as chief advisor to the city council and all  
575 city departments, offices, advisory boards, and agencies;



Amendment No. 1

576 (b) Attend all city council meetings, unless excused by  
577 motion and vote of the city council, and perform such  
578 professional duties as may be required by law or by the city  
579 council in furtherance of the law;

580 (c) Engage in litigation on behalf of the city council  
581 pursuant to its direction; and

582 (d) Appoint assistants to assist in the provision of legal  
583 services to the city.

584 (4) The city attorney shall be a charter officer of the  
585 city and be appointed by a majority vote of the full city  
586 council and shall serve at the pleasure of a majority vote of  
587 the full city council.

588 Section 15. City clerk qualifications; powers and duties;  
589 option for city administrator or city manager.-

590 (1) The city clerk is an employee of the city appointed by  
591 the city manager and shall fulfill the role of a functioning  
592 administrative officer of the city serving under the direction  
593 and managerial control of the city manager.

594 (2) The city clerk shall be selected by the city manager  
595 on the basis of education, experience, expertise, and  
596 administrative ability pertaining to administering municipal  
597 government.

598 (3) The city clerk shall operate under the direction and  
599 managerial control of the city manager and shall:



Amendment No. 1

600        (a) Prepare the agenda for review and approval by the  
601 mayor and attend city council meetings, take part in discussion,  
602 and furnish information as requested by the city council;

603        (b) Process and maintain all official city documents and  
604 records and ensure that all actions of the city council are  
605 recorded, including, but not limited to, providing for regular  
606 codification of city codes and ordinances in conjunction with  
607 the city attorney;

608        (c) Supervise the preparation and indexing of minutes;

609        (d) Act as chief financial officer, prepare reports  
610 relative to city finances and assets, and maintain various  
611 property files; and

612        (e) Perform such other city clerk related duties as  
613 required by the city council and city manager.

614        Section 16. Police department.—

615        (1) The police department of the City of Webster is  
616 created and established and shall consist of a chief of police  
617 and as many subordinate officers, patrol officers, and employees  
618 as are necessary for the functioning of the department.

619        (2) The chief of police may appoint additional patrol  
620 officers upon approval of the city manager.

621        (3) The chief of police shall be appointed by the city  
622 manager and shall serve under the direction and supervision of  
623 the city manager. The chief of police shall aid in the  
624 enforcement of order in the city. He or she shall attend in  
625 person or by deputy all meetings of the city council, and



Amendment No. 1

626 perform such duties appropriate to his or her office as may be  
627 imposed upon him or her by the law, the ordinances of the city,  
628 the direction of the city manager or the city council. He or she  
629 is the head of the police department and responsible for seeing  
630 that the laws and ordinances of city and state are enforced.

631 (4) The chief of police and all officers must be certified  
632 as required by general law.

633 (5) The chief of police shall assume such other duties as  
634 directed by the city council or city manager.

635 Section 17. Department of public works.-

636 (1) The department of public works is established as an  
637 administrative branch or division of the city and is responsible  
638 for stormwater control, water and wastewater services,  
639 maintenance and repair of city signage, curbs, rights-of-way,  
640 public parking, streetlights, and such other services as  
641 designated by the city council or the city manager.

642 (2) The position of director of public works shall be  
643 appointed by the city manager. The director of public works  
644 shall serve under the direction of the city manager and assist  
645 in carrying out the policies and programs of the city council.  
646 He or she shall coordinate the work and activities of the  
647 department of public works. He or she shall make periodical  
648 inspections of streets, public buildings, public works, public  
649 machinery, and all public property, and make report thereof to  
650 the city manager. He or she shall perform such other duties as  
651 may be delegated to him or her.



## Amendment No. 1

652 Section 18. Limit of employment of city council members;  
653 conflict.-

654 (1) Neither the mayor nor city council members shall be in  
655 the employment of the city while in office, nor shall a former  
656 mayor or city council member be employed by the city until after  
657 the expiration of 1 year from the time of leaving office.

658 (2) Any elected official, city officer, or employee who has  
659 a substantial financial interest, direct or indirect or by  
660 reason of ownership of stock in any corporation in any contract  
661 with the city or in the sale of any land, material, supplies or  
662 services to the city or to a contractor supplying the city,  
663 shall make known, either in writing or at a public meeting, that  
664 interest and shall refrain from voting upon or otherwise  
665 participating in his capacity as an elected official, city  
666 officer, or employee in the making of such sale or in the making  
667 or performance of such contract. Any elected officer, city  
668 officer, or employee who willfully conceals such a substantial  
669 financial interest or willfully violates the requirements of  
670 this section shall be guilty of malfeasance in office or  
671 position and shall forfeit his office or position. Violation of  
672 this section with knowledge, express or implied, of the person  
673 or corporation contracting with or making sale to the city shall  
674 render the contract or sale voidable by the city council.

675 Section 19. Budget and appropriations.-

676 (1) The city council shall adopt a budget and set tax  
677 rates in accordance with general law.



Amendment No. 1

678       (2) The city council has all powers of local government  
679 vested in it by general law relative to fiscal processes and  
680 procedures.

681       (3) The city council shall adopt a financial policy, at  
682 such times as it deems appropriate, to provide for financial  
683 management policies of the city.

684       (4) The city council shall enact a purchasing code to  
685 regulate the procurement of goods and services in accordance  
686 with sound and generally accepted public management practice and  
687 principles.

688       Section 20. City records.-

689       (1) All city public records shall be maintained by the  
690 city clerk in accordance with general law.

691       (2) All ordinances or resolutions of the city council  
692 shall be executed by the mayor or, in the mayor's absence, by  
693 the mayor pro tempore, or in the absence of both, by the acting  
694 mayor, and attested to by the city clerk with approval, as to  
695 form and legality, by the city attorney.

696       Section 21. Charter amendment.-

697       (1) This charter may be amended in accordance with the  
698 provisions of the Municipal Home Rule Powers Act, chapter 166,  
699 Florida Statutes, or as may otherwise be provided by general  
700 law. The form, content, and certification of any petition to  
701 amend shall be established by ordinance.

702       (2) A charter review committee may be appointed at any  
703 time by the city council. The committee shall complete its work



Amendment No. 1

704 and present any recommendations for change within the time  
705 period as prescribed by the city council. The city council may  
706 act on the proposed changes to the charter and place the  
707 proposed changes on the next scheduled general election ballot  
708 if it concurs with the proposals.

709 Section 22. Standards of conduct.—All elected officials,  
710 appointed officials, and employees of the city are subject to  
711 the standards of conduct for the public officers and employees  
712 established in general law. In addition, the city council may,  
713 by ordinance, establish a supplemental code of ethics for the  
714 city, which may in no case diminish the provisions of general  
715 law.

716 Section 23. Ordinances preserved.—All ordinances in effect  
17 upon the adoption of this charter, to the extent not  
718 inconsistent with it, remain in force until repealed or changed  
719 as provided in this charter.

720 Section 24. Rights of officers and employees.—

721 (1) Except as otherwise expressly provided in this  
722 charter, this charter does not affect or impair the rights or  
723 privileges of persons who are officers or employees of the City  
724 of Webster at the time of adoption.

725 (2) All officers heretofore elected or appointed and  
726 holding office in the City of Webster continue to hold their  
727 respective offices and discharge the duties thereof until their  
728 successors are elected and qualified.

729 Section 25. Pending matters.—



Amendment No. 1

730       (1) All rights, title, claims, actions, orders, contracts,  
731 ownership of property, uncollected taxes, dues, judgments,  
732 decrees, and legal or administrative proceedings involving the  
733 City of Webster, and all property and property rights of every  
734 nature whatever held or owned by the city, shall continue,  
735 except as modified pursuant to this charter.

736       (2) No obligation or contract of the said municipality of  
737 any nature whatever, including outstanding indebtedness and  
738 bonds heretofore issued, may be impaired or avoided by this act,  
739 but all debts and obligations of the City of Webster shall pass  
740 to and be binding upon the City of Webster hereby organized and  
741 created.

742       Section 3. Chapter 57-1944, Laws of Florida, is repealed.

743       Section 4. This bill shall take effect upon becoming law.

**COMMITTEE MEETING REPORT**  
**Local Government Affairs Subcommittee**  
**1/25/2016 12:30:00PM**

**Location:** Webster Hall (212 Knott)

**HB 1355 : Gainesville Regional Utilities, Alachua County**

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Matt Caldwell			X		
Daphne Campbell	X				
Jose Diaz	X				
Dwight Dudley		X			
George Moraitis, Jr.	X				
Amanda Murphy		X			
Cary Pigman	X				
Kevin Rader		X			
Lake Ray			X		
Jimmie Smith	X				
Charlie Stone	X				
Jennifer Sullivan	X				
Debbie Mayfield (Chair)	X				
<b>Total Yeas: 8</b>		<b>Total Nays: 3</b>			

**HB 1355 Amendments**

**Amendment 165415**

Adopted Without Objection

**Appearances:**

Gainesville Regional Utilities, Alachua  
Latham, Kamal (Lobbyist) - Proponent  
Gainesville Area Chamber of Commerce  
Vice President for Public Policy  
300 E University Ave Suite 100  
Gainesville FL 32601  
Phone: 352-278-2498

Gainesville Regional Utilities, Alachua County  
Peebles, William (Lobbyist) - Opponent  
City of Gainesville  
Po Box 10930  
Tallahassee FL 32302  
Phone: 850-566-3029

Committee meeting was reported out: Monday, January 25, 2016 4:11:26PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

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1 Committee/Subcommittee hearing bill: Local Government Affairs  
2 Subcommittee  
3 Representative Perry offered the following:  
4

**Amendment**

6 Remove everything after the enacting clause and insert:  
7 Section 1. Section 3.06 of Article III of section 1 of  
8 chapter 90-394, Laws of Florida, is repealed.

9 Section 2. Article VII is added to chapter 12760, Laws of  
10 Florida (1927), as amended by chapter 90-394, Laws of Florida,  
11 to read:

ARTICLE VII GAINESVILLE REGIONAL UTILITIES AUTHORITY

15 7.01 Establishment.—There is created a regional utilities  
16 authority to be known as the "Gainesville Regional Utilities  
17 Authority" ("authority"). Gainesville Regional Utilities ("GRU")



Amendment No. 1

18 shall be governed by the authority upon installation of the  
19 authority's governing members pursuant to this article. The  
20 authority shall operate as a unit of city government and, except  
21 as otherwise provided in this article, the authority shall be  
22 free from direction and control of the city commission and the  
23 city charter officers. The authority is created for the express  
24 purpose of acquiring, constructing, operating, providing  
25 utility-related products and services, financing, and otherwise  
26 having broad authority with respect to utilities.

27 7.02 Definitions.—For the purposes of this article, unless  
28 otherwise designated, or the context otherwise requires, the  
29 following terms have the following meanings:

30 (1) "Authority" means the Gainesville Regional Utilities  
31 Authority of the City of Gainesville.

32 (2) "City" means the City of Gainesville.

33 (3) "City commission" means the Gainesville City  
34 Commission.

35 (4) "County" means Alachua County.

36 (5) "GRU" means Gainesville Regional Utilities, a  
37 subdivision of the authority.

38 (6) "Member" means a member of the authority.

39 (7) "Utilities" means the electric utility system, water  
40 utility system, wastewater utility system, reuse water utility  
41 system, natural gas utility system, communications utility  
42 system, and such other utility systems as may be acquired by GRU  
43 in the future.



Amendment No. 1

7.03 Authority members.-

(1) There shall be five members of the authority appointed by a simple majority vote of the city commission. Each member shall be a person of recognized ability and good business judgment identified by the commission who can and will perform his or her official duties in the best interests of the citizens. Appointments shall be made as follows:

(a) One member shall be a residential customer with substantial knowledge of GRU, its operations, and its history.

(b) One member shall be a private, nongovernment customer consuming at least 10,000 kilowatt hours per month of electric usage during the previous 12 months. This member may be the owner or representative of the user.

(c) Three members shall be competent and knowledgeable in one or more specific fields substantially related to the duties and functions of the authority, including, but not limited to, law, economics, accounting, engineering, finance, or energy.

(2) All members of the authority shall:

(a) Maintain primary residence within the electric service territory of GRU's electric utility system.

(b) Receive GRU electric utility system service at all times during the term of appointment.

(c) Not have been convicted of a felony as defined by general law.

(d) Be a qualified elector of the city, except that a minimum of one member must be a resident of the unincorporated



Amendment No. 1

70 area of Alachua County or a municipality in the county other  
71 than the City of Gainesville.

72 (3) The composition of the authority shall be adjusted  
73 upon expiration of any member's term or upon any authority  
74 vacancy, to reflect the ratio of total electric meters serving  
75 GRU electric customers outside the city boundaries to total  
76 electric meters serving all GRU electric customers. For example,  
77 upon expiration of a member's term or upon an authority vacancy,  
78 if the ratio of total electric meters serving customers outside  
79 the city boundaries to total electric meters serving all  
80 electric customers reaches 40 percent, the city commission must  
81 appoint a second member from outside the city boundaries to  
82 serve the next term that would otherwise be served by a  
83 qualified elector of the city. Conversely, upon expiration of  
84 any member's term or upon any authority vacancy, if the ratio  
85 subsequently falls below 40 percent, the city commission must  
86 appoint a qualified elector of the city to serve the next term  
87 that otherwise would be served by a resident from outside the  
88 city boundaries.

89 (4) Until January 1, 2022, no current or previous elected  
90 or appointed officer or official of the city or county having  
91 held office after January 1, 2000, may become a member, except  
92 that a member initially appointed to the authority may be  
93 considered for subsequent reappointment if such individual  
94 remains otherwise qualified and chooses to be considered for  
95 reappointment.



Amendment No. 1

96 (5) A member who is appointed for three full consecutive  
97 4-year terms may not succeed herself or himself.

98 7.04 Member terms.-

99 (1) The city commission shall make initial authority  
100 member appointments within 120 calendar days after the approval  
101 at referendum of the creation of this article. The initial terms  
102 of office for the five members shall commence at 12 a.m. on  
103 October 1, 2017. The initial appointments shall be as follows:  
104 one member shall be designated to serve until 12 a.m. October 1,  
105 2018; one member shall be designated to serve until 12 a.m.  
106 October 1, 2019; one member shall be designated to serve until  
107 12 a.m. October 1, 2020; and two members shall be designated to  
108 serve until 12 a.m. October 1, 2021. Members subsequently  
109 appointed shall be appointed for 4-year terms commencing at 12  
110 a.m. on October 1 of the year in which they are appointed. If a  
111 member is appointed to complete an unexpired term, the member's  
112 term shall commence at the time of appointment and shall  
113 continue through the remainder of the unexpired term.

114 (2) The city commission shall expeditiously schedule an  
115 appointment session to fill any vacancy for the unexpired  
116 portion of a term within 60 days after the vacancy occurs or  
117 becomes known if the remainder of the term exceeds three months.

118 7.05 Member compensation.-Beginning October 1, 2017, each  
119 member shall be paid an annual salary of \$18,000, adjusted  
120 annually to the Consumer Price Index for All Urban Consumers as  
121 defined by the United States Department of Labor, Bureau of



Amendment No. 1

122 Labor Statistics. Necessary expenses of members incurred in  
123 carrying out and conducting the business of the authority shall  
124 be paid in accordance with authority policy and procedures,  
125 subject to the approval of a majority of the members of the  
126 authority. No supplemental benefits shall be provided for a  
127 member position.

128 7.06 Authority; oath; organization; and meeting.-

129 (1) The first appointed authority shall initially meet at  
130 the chambers of the city commission at 6 p.m. on Wednesday,  
131 October 4, 2017.

132 (2) Before taking office for any term, each member shall  
133 be given an oath or affirmation by the Mayor or his or her  
134 designee similar to the oath or affirmation required of a member  
135 of the city commission.

136 (3) The first official action of the authority shall be  
137 election of a chairperson and a vice chairperson from among its  
138 membership.

139 (4) The authority shall meet at least once each month,  
140 except in case of emergency. All meetings of the authority shall  
141 be noticed and open to the public, and minutes shall be kept of  
142 all meetings as required by law, except that meetings related to  
143 settlement of then existing litigation may be held in accordance  
144 with law.

145 (5) The Gainesville Regional Utilities' sitting general  
146 manager shall be responsible for providing adequate notice and  
147 office space for the initial meeting.



Amendment No. 1

148 7.07 Appointment and removal of chief executive  
149 officer/general manager.-

150 (1) A chief executive officer/general manager ("CEO/GM")  
151 shall direct and administer utility functions.

152 (2) The authority, by a majority vote, shall appoint or  
153 remove the CEO/GM.

154 (3) The sitting general manager of GRU, absent action by  
155 the authority, shall be retained in office as CEO/GM of the  
156 authority.

157 (4) A sitting member of the authority may not be selected  
158 as the CEO/GM.

159 7.08 Removal and suspension of members.-

160 (1) Members may be removed or suspended from office in  
161 accordance with chapter 112, Florida Statutes.

162 (2) A member may be removed for failure to maintain all  
163 member qualifications as specified in section 7.03 or for  
164 violation of a provision of this article, or for violation of  
165 rules or policies adopted by the authority.

166 (3) A member who is the subject of a proceeding to request  
167 suspension or to remove under this section may not participate  
168 in the authority's deliberations, debate, or vote on the matter.

169 (4) Request for suspension shall be by vote of at least  
170 three members of the authority.

171 (5) Removal or reinstatement shall be by vote of at least  
172 three members of the authority.

173 7.09 General provisions.-



Amendment No. 1

174       (1) The city commission is required to create such  
175 instruments as are necessary for the authority to function in  
176 accordance with this article.

177       (2) Consistent with the provisions and effective date of  
178 this article, such previous applicable utilities-related  
179 ordinances, policies, rates, fees, rules, regulations, budgets,  
180 and other provisions previously adopted under the city charter  
181 and in effect as of the effective date of this article are  
182 deemed adopted, reenacted, or assumed by the authority for  
183 transition purposes until such time that the authority, pursuant  
184 to the powers granted by this article, shall make changes.  
185 However, to the extent of conflict with this act, the city and  
186 the county charter provisions, ordinances, resolutions, decrees,  
187 or parts thereof, are hereby repealed. This subsection is not  
188 intended to interfere with existing contractual arrangements  
189 between the city and the county, regardless of whether those  
190 arrangements are charter provisions, ordinances, resolutions,  
191 decrees, or parts thereof.

192       (3) No franchise, right-of-way, license, permit, or usage  
193 fee or tax may be levied upon the authority or its utilities by  
194 the city or by the county unless allowed by general law. No  
195 franchise, right-of-way, license, permit, or usage fee or tax  
196 may be levied upon the authority or its utilities that impose an  
197 unreasonable burden. Any additional allowable but not required  
198 franchise, right-of-way, license, permit, tax or usage fee  
199 assessed by the city as to the authority or any of the utilities



Amendment No. 1

200 under the authority's jurisdiction after April 30, 2016, shall  
201 be totaled for each fiscal year and a like amount subtracted  
202 from the subsequent fiscal year's transfer to the city's general  
203 fund, unless such subtraction is waived by a vote of four  
204 members of the authority three months before the start of each  
205 subsequent fiscal year.

206 (4) The rights or privileges, if any, of persons who were  
207 GRU employees, including the general manager, immediately before  
208 the effective date of this article are not impaired.

209 (5) Any utility advisory boards created by the commission  
210 may continue to advise the city commission. However, such boards  
211 shall have no advisory role as to the authority, the utilities  
212 under its jurisdiction, or their employees.

3 7.10 Powers and duties.-

214 (1) The authority's powers and duties shall be no less  
215 extensive than those exercised by the city commission with  
216 respect to GRU as existed on January 1, 2016, including the  
217 powers and duties associated with the management, operation, and  
218 control of the utilities; the acquisition, construction, and  
219 financing of utility projects; and the provision of utility-  
220 related products and services.

221 (2) The authority has the power to make and adopt rules,  
222 policies, and regulations consistent with this act and  
223 applicable law for the management, administration, operation,  
224 and regulation of the fiduciary, business, and other affairs of  
225 the authority.



Amendment No. 1

226       (3) The authority may not enact rules relating to the  
227 disposal or sale of any GRU property which are more expansive  
228 than the rules applicable to the city commission as were in  
229 effect on January 1, 2016.

230       (4) The authority is authorized to exercise the power of  
231 eminent domain for utilities purposes.

232       (5) Upon the effective date of this article, all existing  
233 City of Gainesville laws, ordinances, resolutions, and  
234 administrative regulations, interpretations, franchises, and  
235 controls directly or indirectly affecting and controlling said  
236 utilities are exclusively vested in said authority. All rights,  
237 claims, actions, orders, and legal or administrative proceedings  
238 involving GRU immediately before the effective date of this  
239 article shall continue, except as modified by the authority  
240 pursuant to the provisions of and authority granted by this  
241 article.

242       (6) No member of the authority shall be individually  
243 responsible for authority debts.

244       (7) The authority shall ensure the development of an  
245 ethics policy and a code of business conduct policy which aim to  
246 achieve best practices for municipal utilities, which shall be  
247 reviewed at least biennially.

248       Section 3. In order to provide for the transitional  
249 administrative needs and orderly compliance with the provisions  
250 in this act, the chairperson or designee of the authority is  
251 authorized to execute documents required for the transition.



Amendment No. 1

252 Section 4. The ballot statement shall read as follows:

253  
254 "Shall the Charter of the City of Gainesville be amended by  
255 creating the Gainesville Regional Authority, to be the governing  
256 board of Gainesville Regional Utilities and appointed by the  
257 City Commission of the City of Gainesville?"

258 Yes

259 No

260 Section 5. This act shall take effect only upon its  
261 approval by a majority vote of those qualified electors of the  
262 City of Gainesville voting in a referendum to be held in March  
263 2017, in conjunction with the citywide election to be held in  
264 the City of Gainesville, except that this section and section 4  
5 shall take effect upon becoming a law.

**COMMITTEE MEETING REPORT**  
**Local Government Affairs Subcommittee**  
**1/25/2016 12:30:00PM**

**Location:** Webster Hall (212 Knott)

**HB 1371 : St. Augustine-St. Johns County Airport Authority**

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Matt Caldwell			X		
Daphne Campbell	X				
Jose Diaz	X				
Dwight Dudley	X				
George Moraitis, Jr.	X				
Amanda Murphy	X				
Cary Pigman	X				
Kevin Rader	X				
Lake Ray			X		
Jimmie Smith	X				
Charlie Stone	X				
Jennifer Sullivan	X				
Debbie Mayfield (Chair)	X				
<b>Total Yeas: 11</b>		<b>Total Nays: 0</b>			

**Appearances:**

St. Augustine-St. Johns County Airport Authority  
 Burnett, Douglas - Waive In Support  
 St. Augustine-St. Johns County Airport Authority  
 General Counsel  
 104 Sea Grove Main Street  
 St. Augustine FL 32080  
 Phone: 904-495-0400

**COMMITTEE MEETING REPORT**  
**Local Government Affairs Subcommittee**  
**1/25/2016 12:30:00PM**

**Location:** Webster Hall (212 Knott)

**HB 1417 : Hillsborough County**

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Matt Caldwell			X		
Daphne Campbell	X				
Jose Diaz	X				
Dwight Dudley	X				
George Moraitis, Jr.	X				
Amanda Murphy	X				
Cary Pigman	X				
Kevin Rader	X				
Lake Ray			X		
Jimmie Smith	X				
Charlie Stone	X				
Jennifer Sullivan	X				
Debbie Mayfield (Chair)	X				
<b>Total Yeas: 11</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Monday, January 25, 2016 4:11:26PM