

Amendment No.

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WITHDRAWN	_____	(Y/N)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		

1 Committee/Subcommittee hearing bill: State Affairs Committee
2 Representative Hinson offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Article VII is added to Chapter 12760, Laws of Florida (1927), as amended by chapter 90-394, Laws of Florida, to read:

ARTICLE VII GAINESVILLE REGIONAL UTILITIES REVIEW AUTHORITY

11 7.01 Establishment.—There is created a regional utilities
12 review authority to be known as the "Gainesville Regional
13 Utilities Review Authority." The Authority will review and
14 approve the annual electrical rates and annual general funds
15 transfer (GFT) requested by the City Commission of the City of
16 Gainesville. This Authority may accept the Commission's proposed

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17 rates and GFT or may set its own, within the limits established
18 herein.

19 7.02 Definitions.—For the purposes of this article, unless
20 otherwise designated or the context otherwise requires, the
21 following terms have the following meanings:

22 (1) "Authority" means the Gainesville Regional Utilities
23 Authority created in this Article VII.

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

25 (3) "City Commission" means the Gainesville City
26 Commission.

27 (4) "County" means Alachua County.

28 (5) "Customer" means a person or entity that makes
29 application for and is supplied with service by GRU for its
30 ultimate use.

31 (6) "GRU" means Gainesville Regional Utilities.

32 (7) "Member" means a member of the Authority.

33 (8) "Utilities" means the electric utility system

34 7.03 Powers and limitations.—The Authority shall have all
35 the following powers and limitations:

36 (1) To accept, consider, review, and approve the City
37 Commission's requested annual GRU electrical rates and requested
38 general fund transfer from GRU to the City of Gainesville
39 general government.

40 (2) To raise or lower the City of Gainesville's annual
41 electrical utility rates assessed to GRU customers, subject to

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42 the limitation that in no case will electrical rates be lowered
43 below the level needed to maintain existing reliability, long-
44 term infrastructure needs, and all bond indebtedness payment
45 commitments entered into by the City of Gainesville.

46 (3) The Authority may not reduce the City of Gainesville
47 Commission's requested general fund transfer (GFT) from GRU to
48 the City of Gainesville's general government by more than 3
49 percent from the previous budget year's GFT, unless the City of
50 Gainesville expressly consents to a greater reduction.

51 (4) The City Commission, through its charter officer, the
52 General Manager, will retain all other authority and powers
53 currently granted to it to run all operations of Gainesville
54 regional utilities, subject to the limitations of subsections
55 (1) and (2).

56 (5) The Authority may not, in any manner, dispose of or
57 agree to dispose of any of GRU's electrical, water/wastewater
58 production, or distribution facilities or any other part or
59 assets thereof.

60 (6) Any Authority vote that exceeds the limitations of
61 section 7.03(1), (2), or (3) shall be considered ultra-vires and
62 null and void. Any such vote taken that adversely affects the
63 City's bond ratings and subsequently increases bond payments
64 must be paid from increased GRU assessed rates to match those
65 resulting additional payments. The Authority must approve those

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66 higher assessed rates without offsetting that increase by
67 reducing other City Commission requested rates.

68 (7) Pursuant to Title XIX, Public Business, Florida
69 Statutes, and Chapter 286, Florida Statutes, the Authority will
70 be subject to all provisions in s. 286.011, Florida Statutes,
71 relating to public meetings and records, public inspection, and
72 criminal and civil penalties.

73 (8) To prepare and submit to the City Commission, at least
74 4 months before the start of the City's fiscal year, an Annual
75 Customer Report (ACR) examining utility rates for all customers.
76 The report shall include, but not be limited to, comparisons of
77 customer utility rates with peer municipal utilities. The report
78 shall include multi-year projections of all customer utility
79 rates.

80 7.04 Authority members.-

81 (1) There shall be five members of the Authority elected
82 by majority vote of electors residing within a GRU service
83 territory in the City of Gainesville and unincorporated Alachua
84 County. The members shall be diverse and representative of the
85 community. Each member shall be a person of recognized ability
86 and good business judgment who is expected to perform his or her
87 official duties in the best interests of GRU and its customers.
88 Only electors living within the GRU electrical service territory
89 in the City or unincorporated Alachua County may serve on the

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90 Authority. A member must qualify for one of the following five
91 elected seats:

92 (a) One member seat shall be represented by an electrical
93 utility residential customer with substantial knowledge of GRU,
94 its operations, and its history.

95 (b) One member seat shall be represented by a private,
96 nongovernment customer consuming at least 10,000 kilowatt hours
97 per month of electric usage during each of the previous 12
98 months. If the customer is an entity, this member may be the
99 owner or representative of such customer.

100 (c) One member seat shall be represented by a member
101 competent and knowledgeable in an environmental policy, an
102 engineering, or a science field related to the production,
103 transmission, or consumption of energy.

104 (d) Two members seats shall be represented by members
105 competent and knowledgeable in one or more specific fields
106 substantially related to the duties and functions of the
107 Authority, including, but not limited to, law, economics,
108 accounting, engineering, finance, or energy.

109 (2) All members of the Authority shall:

110 (a) Be a customer with an account history of no less than
111 5 years leading up to their appointment to the Authority.

112 (b) Be a customer during the term of appointment.

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

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115 (d) At least one member shall be a customer whose service
116 is delivered to an address outside the boundaries of the City of
117 Gainesville. Should an annexation by the City of Gainesville
118 occur that affects a sitting member of the Authority, that
119 member shall be allowed to serve out his or her term. However,
120 that member will not be eligible for a subsequent term in the
121 capacity of a customer outside the boundaries of the City of
122 Gainesville.

123 (3) A member who is elected for three full consecutive 4-
124 year terms may not succeed herself or himself.

125 7.05 Member Elections and Terms.-

126 (1) The Alachua County Supervisor of Elections (SOE) shall
127 issue a public notice of an election for authority seats to be
128 held in August 2024. This notice will solicit citizens residing
129 within a GRU service territory in the City of Gainesville or
130 unincorporated Alachua County to seek election for an Authority
131 seat. This public notice shall be made within 120 days after
132 Article VII is signed into law by the Governor.

133 (2) Any qualified elector seeking to run for an authority
134 seat must request certification of eligibility by the GRU
135 general manager (GM), or his or her delegate. The GM will
136 certify qualification, if any, to the requestor and directly to
137 the SOE within 7 business days of receipt of that request,
138 excluding holidays and weekends. Certification requests must be
139 made at least 14 business days prior to the corresponding filing

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140 deadline for City of Gainesville municipal elections. Electors
141 must file for election no later than the corresponding City of
142 Gainesville municipal filing deadline.

143 (3) The initial terms of office for the five members shall
144 commence at 12 a.m. on January 1, 2025. The terms of the initial
145 seats will be staggered, with the two seats named under section
146 7.04(1)(d) to be for terms of 3 years each and the three seats
147 named under section 7.04(1)(a), (b), and (c) to be for terms of
148 4 years each.

149 (4) The SOE shall hold subsequent authority elections.
150 Members elected for subsequent terms shall serve 4-year terms
151 commencing at 12 a.m. on January 1 of the year after they are
152 elected. If a member is elected to complete an unexpired term,
153 the member's term shall commence at the time of election and
154 shall continue through the remainder of the unexpired term.

155 (5) A special election shall be held to fill any vacancy
156 for the unexpired portion of a term within 60 days after the
157 vacancy occurs if the remainder of the term exceeds 90 days.

158 (6) All election costs for the initial and subsequent
159 terms, shall be paid by the authority from Gainesville regional
160 utilities electrical rate assessments. Authority members must
161 approve a portion of the GRU rates to cover these costs and may
162 not reduce other rates requested by the City Commission to
163 offset these costs.

164 7.06 Member compensation.-

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165 (1) Members of the authority shall serve with an annual
166 compensation of \$18,000 per budget year, to be paid from GRU
167 electrical rate assessments. Authority members must approve a
168 portion of the GRU rates to cover these costs and may not reduce
169 other rates requested by the City Commission to offset these
170 costs.

171 (2) Authority members may receive reimbursement for per
172 diem and travel expenses incurred in the performance of their
173 duties as provided in s. 112.061, Florida Statutes.

174 7.07 Authority; oath; organization; and meeting.-

175 (1) The Authority shall initially meet at the City
176 Commission chambers at 6 p.m. on Tuesday, January 1, 2025.

177 (2) Before taking office for any term, each member shall
178 be given an oath or affirmation by the City of Gainesville Mayor
179 or his or her designee similar to the oath or affirmation
180 required of a member of the City Commission.

181 (3) The first official action of the Authority shall be
182 election of a chairperson and a vice chairperson from among its
183 membership.

184 (4) The Authority shall meet quarterly except in case of
185 unforeseen circumstances. All meetings of the Authority shall be
186 noticed and open to the public, and minutes shall be kept as
187 required by law, except those meetings related to settlement of
188 then existing litigation may be held as allowed by law.

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189 (5) The GM or his or her designee shall be responsible for
190 arranging, and providing adequate notice of, the initial meeting
191 of the Authority.

192 7.08 Removal and suspension of members.—

193 (1) A member may be removed or suspended from office by
194 the City Commission in accordance with s. 112.501, Florida
195 Statutes. In addition to the grounds for removal set forth
196 therein, a member may be removed by the City Commission for
197 failure to maintain the qualifications specified in section
198 7.04.

199 (2) The Authority may recommend to the City Commission
200 that a member be removed or suspended from office if it finds,
201 by vote of at least three members, a reasonable basis for
202 removal or suspension on one or more of the grounds set forth in
203 s. 112.501, Florida Statutes, or for failure to maintain the
204 qualifications specified in section 7.04. The Authority shall
205 give reasonable notice of any proceeding in which such action is
206 proposed and must provide the member against whom such action is
207 proposed a written statement of the basis for the proposed
208 action and an opportunity to be heard. The member against whom
209 such action is proposed may not participate in the Authority's
210 debate or vote on the matter.

211 7.09 General provisions.—

212 (1) All City ordinances, policies, rates, fees,
213 assessments, charges, rules, regulations, and budgets related to

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214 operation of the utilities shall remain in effect. The City of
215 Gainesville will retain all authority to own, operate, and
216 manage all functions of GRU, other than approving electrical
217 rates or approving general fund transfers.

218 (2) A member of the Authority is not individually
219 responsible for Authority debts or liabilities.

220 7.10 Sunset provision.—This Authority will be dissolved and
221 cease to function on the earlier of January 1, 2035, or at such
222 point that Gainesville Regional Utilities has attained a 60
223 percent debt to 40 percent equity balance.

224 Section 2. This act shall take effect upon becoming a law.

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T I T L E A M E N D M E N T

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Remove everything before the enacting clause and insert:

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A bill to be entitled

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An act relating to the City of Gainesville, Alachua County;

232

amending chapter 12760, Laws of Florida (1927), as amended by

233

chapter 2017-200, Laws of Florida; creating the Gainesville

234

Regional Utilities Review Authority to be elected by majority

235

vote of electors residing within a GRU service territory within

236

the City of Gainesville and unincorporated Alachua County;

237

establishing Authority powers and limitations; establishing

238

qualifications for Authority membership seats; setting election

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCS for HB 1645 (2023)

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239 | dates for initial and subsequent terms; providing membership
240 | compensation; setting a sunset provision to terminate the
241 | Authority; providing an effective date.

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