

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

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

Amendment

Remove lines 91-303 and insert:

6 property is vested in the City. The Authority shall not have the
 7 power of eminent domain without the express and validated
 8 agreement of the owners, the citizens of Gainesville.

9 (e) To authorize the issuance of revenue bonds and other
 10 evidences of indebtedness of the City, secured by the revenues
 11 and other pledged funds and accounts of the utility system,
 12 pursuant to Florida law. Upon resolution of the Authority
 13 establishing the authorized form, terms, and purpose of such
 14 bonds, for the purpose of financing or refinancing utility
 15 system projects, and to exercise all powers in connection with
 16 the authorization of the issuance, and sale of such bonds by the

Amendment No.

17 City as conferred upon municipalities by part II of chapter 166,
18 Florida Statutes, other applicable state laws, and section 103
19 of the Internal Revenue Code of 1986. Such bonds may be
20 validated in accordance with chapter 75, Florida Statutes. The
21 Authority may not authorize the issuance of general obligation
22 bonds. Such bonds and other forms of indebtedness of the City
23 shall be executed and attested by the officers, employees, or
24 agents of the City, including the chief executive
25 officer/general manager or chief financial officer of the
26 utility system, the Authority has so designed as agents of the
27 City. The Authority may enter into hedging agreements or options
28 for the purpose of moderating interest rates on existing and
29 proposed indebtedness or price fluctuations of fuel or other
30 commodities, including agreements for the future delivery
31 thereof, or any combinations thereof.

32 (f) To dispose of utility system assets only to the extent
33 and under the conditions that the City Commission may dispose of
34 such assets pursuant to section 5.04 of Article V.

35 (g) To prepare and submit to the City Commission, at least
36 3 months before the start of the City's fiscal year, an annual
37 budget for all Authority and GRU operations, including the
38 amount of any transfer to the City. The term of the budget shall
39 coincide with the City's fiscal year. The amount of any transfer
40 is subject to the limitations specified in section 7.11.

41 (h) To appoint and remove a chief executive

PCS for HB 1645 a1

Published On: 4/18/2023 6:05:04 PM

Amendment No.

42 officer/general manager as provided in this article.

43 (i) To recommend, by resolution to the City Commission,
44 the acquisition and operation of a utility system not owned or
45 operated by GRU as of the date of transfer of governing
46 authority to the Authority.

47 7.04 Authority members.-

48 (1) There shall be five members of the Authority appointed
49 by the Governor. Each member shall be a person of recognized
50 ability and good business judgment as identified by the Governor
51 who is expected to perform his or her official duties in the
52 best interests of GRU and its customers. Appointments shall be
53 made as follows:

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

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

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

64 (2) All members of the Authority shall:

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

PCS for HB 1645 a1

Published On: 4/18/2023 6:05:04 PM

Amendment No.

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

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

71 (d) Be a qualified elector of the City, except that a
72 minimum of one member must be a resident of the unincorporated
73 area of the county or a municipality in the county other than
74 the City of Gainesville.

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

PCS for HB 1645 a1

Published On: 4/18/2023 6:05:04 PM

Amendment No.

92 7.05 Member nominations and terms.—

93 (1) The Governor shall issue a public notice soliciting
94 citizen nominations for Authority members within 120 days of the
95 effective date of this article. The nomination solicitation
96 period shall remain open for at least 30 days after the date of
97 the public notice.

98 (2) The Governor shall appoint initial members to the
99 Authority from among the nominees within 60 days after the close
100 of the nomination solicitation period. The initial terms of
101 office for the five members shall commence at 12 a.m. on October
102 1, 2023. The terms of the initial appointments shall be as
103 follows: one member shall be designated to serve until 12 a.m.
104 on October 1, 2024; one member shall be designated to serve
105 until 12 a.m. on October 1, 2025; one member shall be designated
106 to serve until 12 a.m. on October 1, 2026; and two members shall
107 be designated to serve until 12 a.m. on October 1, 2027.

108 (3) The Governor shall have a citizen nomination
109 solicitation period for at least 30 days and appoint members for
110 subsequent terms from among the nominees. Members appointed for
111 subsequent terms shall be appointed for 4-year terms commencing
112 at 12 a.m. on October 1 of the year in which they are appointed.
113 If a member is appointed to complete an unexpired term, the
114 member's term shall commence at the time of appointment and
115 shall continue through the remainder of the unexpired term.

116 (4) The Governor shall fill any vacancy for the unexpired

PCS for HB 1645 a1

Published On: 4/18/2023 6:05:04 PM

Amendment No.

117 portion of a term within 60 days after the vacancy occurs if the
118 remainder of the term exceeds 90 days.

119 7.06 Member compensation.-

120 Beginning October 1, 2023, necessary expenses of members
121 incurred in carrying out and conducting the business of the
122 Authority shall be paid in accordance with Authority policy and
123 procedures, subject to the approval of a majority of the members
124 of the Authority, not including a recurring salary and not to
125 exceed an agreed-upon amount. No supplemental benefits shall be
126 provided for a member position.

127 7.07 Authority; oath; organization; and meeting.-

128 (1) The Authority shall initially meet at the chambers of
129 the City Commission at 6 p.m. on Wednesday, October 4, 2023.

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

134 (3) The first official action of the Authority shall be
135 election of a chairperson and a vice chairperson from among its
136 membership.

137 (4) The Authority shall meet at least once each month,
138 except in case of unforeseen circumstances. All meetings of the
139 Authority shall be noticed and open to the public, and minutes
140 shall be kept as required by law, except that meetings related
141 to settlement of then existing litigation may be held as allowed

PCS for HB 1645 a1

Published On: 4/18/2023 6:05:04 PM

Amendment No.

142 by law.

143 (5) The GRU general manager or his or her designee shall
144 be responsible for making arrangements for and providing
145 adequate notice for the initial meeting of the Authority.

146 7.08 Removal and suspension of members.-

147 (1) A member may be removed or suspended from office by
148 the Governor in accordance with s. 112.501, Florida Statutes. In
149 addition to the grounds for removal set forth therein, a member
150 may be removed by the Governor for failure to maintain the
151 qualifications specified in section 7.04.

152 (2) The Authority may recommend to the Governor that a
153 member be removed or suspended from office if it finds, by vote
154 of at least three members, a reasonable basis for removal or
155 suspension on one or more of the grounds set forth in s.
156 112.501, Florida Statutes, or for failure to maintain the
157 qualifications specified in section 7.04. The Authority shall
158 give reasonable notice of any proceeding in which such action is
159 proposed and must provide the member against whom such action is
160 proposed a written statement of the basis for the proposed
161 action and an opportunity to be heard. The member against whom
162 such action is proposed may not participate in the Authority's
163 debate or vote on the matter.

164 7.09 Management and personnel.-

165 (1) A chief executive officer/general manager (CEO/GM)
166 shall direct and administer all utility functions, subject to

PCS for HB 1645 a1

Published On: 4/18/2023 6:05:04 PM

Amendment No.

167 the rules and resolutions of the Authority. The CEO/GM shall
168 serve at the pleasure of the Authority. Appointment or removal
169 of the CEO/GM shall be by majority vote of the Authority. Until
170 such time as the Authority appoints a CEO/GM, the sitting
171 general manager of GRU shall serve as the CEO/GM. A sitting
172 member of the Authority may not be selected as the CEO/GM.

173 (2) All officers and employees of the City who serve under
174 the supervision and direction of the sitting general manager of
175 GRU shall serve under the CEO/GM. The CEO/GM shall have the
176 exclusive authority to hire, transfer, promote, discipline, or
177 terminate employees under his or her supervision and direction.

178 (3) The Authority shall fix the salary of the CEO/GM, and
179 the CEO/GM shall fix the salaries of all other employees who
180 serve under his or her direction consistent with the annual
181 budget approved by the Authority. The sitting general manager of
182 GRU, as well as all officers and employees of the City who, by
183 virtue of this article, become subject to the supervision and
184 direction of the CEO/GM, shall continue without any loss of
185 rights or benefits as employees under the pension plans and
186 civil service merit system of the City existing as of the
187 creation of the Authority.

188 7.10 General provisions.—

189 (1) The City and the Authority shall perform all acts
190 necessary and proper to effectuate an orderly transition of the
191 governance, operation, management, and control of all utility

PCS for HB 1645 a1

Published On: 4/18/2023 6:05:04 PM

Amendment No.

192 systems, properties, and assets held in the possession of GRU as
193 of January 1, 2023, to the Authority, including, but not limited
194 to, the creation of such instruments as are necessary for the
195 Authority to function in accordance with this article.

196 Notwithstanding the reorganization of the governance structure
197 of the management of the utility system as provided in this
198 section, the utility system shall continue to be operated as a
199 single enterprise and there shall be no change to the ownership
200 of the utility system.

201 (2) All City ordinances, policies, rates, fees,
202 assessments, charges, rules, regulations, and budgets related to
203 operation of the utilities shall remain in effect until such
204 time as the Authority, pursuant to the powers granted in this
205 article, modifies any such item. In the event that any City
206 charter provision, ordinance, resolution, decree, or any part
207 thereof conflicts with the provisions of this article, the
208 provisions of this article shall govern. This subsection is not
209 intended to and shall not interfere with existing contractual
210 arrangements between the City and county, regardless of whether
211 such arrangements are reflected in charter provisions,
212 ordinances, resolutions, decrees, or any part thereof.

213 (3) All rights, responsibilities, claims, and actions
214 involving GRU as of the transfer to the Authority shall
215 continue, except as may be modified by the Authority under the
216 powers granted by this article and consistent with law.

PCS for HB 1645 a1

Published On: 4/18/2023 6:05:04 PM

Amendment No.

217 (4) No franchise, right-of-way, license, permit or usage
218 fee or tax may be levied by the City upon the Authority or the
219 utilities unless allowed by general law.

220 (5) The Authority shall not have the power to sell,
221 transfer, or gift the GRU to another utility without the express
222 and validated permission of the owners, the citizens of
223 Gainesville.