

**STORAGE NAME:** h1517a.ca

**DATE:** April 17, 1997

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
COMMUNITY AFFAIRS  
BILL RESEARCH & ECONOMIC IMPACT STATEMENT - LOCAL LEGISLATION**

**BILL #:** HB 1517

**RELATING TO:** Escambia County

**SPONSOR(S):** Representative Maygarden and others

**COMPANION BILL(S):** None

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

(1) COMMUNITY AFFAIRS YEAS 3 NAYS 2

(2)

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I. SUMMARY:

The bill provides that Escambia County Utility Authority members will be elected through partisan elections.

The Economic Impact Statement states there would be little financial impact on the Escambia County Supervisor of Elections office if elections were changed from non-partisan to partisan.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

The Escambia County Utility Authority (ECUA) was created as a local governmental body, corporate and politic, by special act, by chapter 81-376, Laws of Florida. In 1983, chapter 83-403, Laws of Florida was enacted, requiring nonpartisan elections for membership on the ECUA. The special acts were recodified in 1992 by chapter 92-248, Laws of Florida.

The ECUA was created for the purpose of acquiring, constructing, financing, owning, managing, providing, promoting, improving, expanding, maintaining, operating, regulating, franchising, and otherwise having plenary authority with respect to certain utility systems within the territorial limits of Escambia County, Florida and areas adjacent thereto. The ECUA has all powers with regard to water, sewer, and natural gas, and such other additional utilities as may be designated. It is listed as an independent special district on the 1996 List of Special Districts prepared by the Department of Community Affairs.

The governing body of the ECUA consists of 7 elected members who are elected by a majority of their electors in nonpartisan elections.

B. EFFECT OF PROPOSED CHANGES:

Election of ECUA members would be partisan.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Chapter 92-248, Laws of Florida.

D. APPLICATION OF PRINCIPLES:

1. Less Government:

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

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

No.

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

No.

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

No.

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

Not applicable.

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

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

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

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No.

- b. Does the bill require or authorize an increase in any fees?

No.

- c. Does the bill reduce total taxes, both rates and revenues?

No.

- d. Does the bill reduce total fees, both rates and revenues?

No.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

Not applicable.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

Yes. It allows candidates for the Escambia County Utility Authority to run in the party of their choice.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

Not applicable.

(1) Who evaluates the family's needs?

(2) Who makes the decisions?

(3) Are private alternatives permitted?

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

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

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

Not applicable.

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

Not applicable.

(1) parents and guardians?

(2) service providers?

(3) government employees/agencies?

E. SECTION-BY-SECTION RESEARCH:

Section 1. Amends subsection (b) of section 4 of chapter 92-248, Laws of Florida, to provide for partisan elections.

Section 2. Provides for an effective date of upon becoming a law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? February 12, 1997

WHERE? Pensacola News Journal, Pensacola, Escambia County, Florida

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached  No

IV. COMMENTS:

ECUA elections have been nonpartisan since the enactment of chapter 83-403, Laws of Florida. In 1979, an Attorney General Opinion (AGO 079-106) (opinion) addressed the question of whether a special act could be passed providing for the nonpartisan election of county officers or county commissioners. The opinion quoted Sec. 11(a)(1), Art. III, State Const., stating "there shall be no special law or general law of local application pertaining the election . . . of officers, except officers of municipalities, chartered counties, special districts or local governmental agencies." Because the Escambia County Utilities Authority is a special district and falls within the Constitutional exemption for special districts, it may legally enact special laws requiring nonpartisan elections.

Candidates in partisan elections campaign or qualify for office based on party affiliation. Candidates in nonpartisan elections are prohibited from campaigning or qualifying for office based on party affiliation.

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V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Legislative Research Director:

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