

STORAGE NAME: h0835.er

DATE: March 10, 2000

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
ELECTION REFORM
ANALYSIS - LOCAL LEGISLATION**

BILL #: HB 835

RELATING TO: Jacksonville/Council Vacancies

SPONSOR(S): Representative Tullis and others

TIED BILL(S): None

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

- (1) COMMUNITY AFFAIRS (PRC) YEAS 7 NAYS 0
 - (2) ELECTION REFORM (PRC)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill amends the Charter of the City of Jacksonville, as amended, to allow council members-elect, from the first or general consolidated government election, to assume office immediately after election certification where there is a vacancy in the office.

This bill makes certain "gender neutral" language changes.

According to the Economic Impact Statement, this bill has no fiscal impact.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|-----------------------------------------|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Currently, the Charter of the City of Jacksonville, as contained in Ch. 92-341, Laws of Florida, as amended, provides that council members elected in consolidated government elections held in the spring, do not assume office until July 1 of that election year. Where a vacancy exists at any time before July 1, a council district or at-large residence area is left without representation from the date of the vacancy until July 1.

The 1992 Legislature enacted chapter 92-341, Laws of Florida, which readopted the entire Charter of the City of Jacksonville, as amended locally and by special acts. The Charter has been amended subsequently in 1993, 1994, 1995, 1996, 1997, 1998 and 1999.

The Charter contains the following directive to the Jacksonville City Council:

The City Council of the City of Jacksonville is directed to advise the Legislature of any home rule or referendum amendments or revisions to the Charter of the City of Jacksonville which are made and become effective subsequent to the effective date of this act. Such advice shall be in the form of a reviser's bill for such further legislative revision of the Legislature after such local charter amendments or revisions have occurred.

To date, the City of Jacksonville has not presented the Legislature with a reviser's bill after every five-year interim, as is required in the 1992 Charter.

C. EFFECT OF PROPOSED CHANGES:

This bill precludes a lapse in elective office that occurs when a council member-elect fills an office where a vacancy exists at the time of election by providing that a council member-elect can assume office immediately upon election certification. This ensures continued representation for the district or at-large representation area.

This bill updates existing language by replacing gender specific references with gender neutral language.

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D. SECTION-BY-SECTION ANALYSIS:

Section 1 - Amends s. 5.06, Chapter 92-341, Laws of Florida, as amended through Chapters 97-337 and 97-339, Laws of Florida, to provide for council member vacancies and temporary appointment procedures; to change gender specific to gender neutral language; and to provide for immediate assumption of office where available for a particular council district or at-large residence area.

Section 2 - Provides that this act shall take effect upon becoming a law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? October 18, 1999

WHERE? Daily Record

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

A policy adopted by the Florida House of Representatives requires certification from the local legislative delegation that the purposes of the bill cannot be accomplished at the local level. This bill contains the requisite certification, but the Charter for the City of Jacksonville provides for local amendment of the Charter without an act of the Legislature. The Charter also provides that it may be amended only by ordinance, or by petition signed by qualified Duval County voters followed by a public referendum.

House Rule 44(a), provides that “if a committee determines that the substance of a local bill may be enacted into law by ordinance of a local governing body, that committee shall not report the bill to the Clerk.” However, if a local governing body would be required to call a referendum to enact the substance of a local bill into law, the committee may report the local bill. The purposes of this local bill could be accomplished by authority of the Charter for the City of Jacksonville which provides for local amendment of the Charter without an act of the Legislature. The Charter also

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provides that it may be amended only by ordinance or by petition signed by qualified Duval County voters followed by public referendum.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Staff Director:

Cindy M. Brown, Esq.

Joan Highsmith-Smith

AS REVISED BY THE COMMITTEE ON ELECTION REFORM:

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