

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1053

City of Jacksonville, Duval County

SPONSOR(S): Davis

TIED BILLS:

IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Government Council</u>	<u>8 Y, 0 N</u>	<u>Camechis</u>	<u>Hamby</u>
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

This bill amends the charter of the City of Jacksonville to expand the mayor’s authority to transfer appropriations between City divisions, departments, agencies, or nondepartmental accounts if authorized to do so by ordinance adopted by 13 of the 19 members of the City Council. The bill requires the ordinance authorizing transfers to address:

- The type and manner of mayoral transfers that are permitted;
- Whether the council must be given prior notice of a proposed transfer; and
- Whether the council must be given an opportunity to override a proposed transfer within a specified timeframe and by a specified vote.

The ordinance may be repealed or modified upon concurrence of 13 members of the City Council.

According to the Economic Impact Statement, no fiscal impacts are anticipated in fiscal year 2005-06 or 2006-07.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This bill does not implicate any of the House principles.

B. EFFECT OF PROPOSED CHANGES:

Current Situation

The City of Jacksonville and Duval County merged in 1968¹, creating a single consolidated government entity (City) governing all of Duval County with the exception of the beach communities (Atlantic Beach, Neptune Beach and Jacksonville Beach) and Baldwin. The City government operates under a mayor as head of the administrative branch and the City Council as the legislative branch.

Currently, the mayor of the City of Jacksonville (City) may transfer any amount appropriated to a City division within the division; however, the mayor may not transfer funds that were appropriated to one City division to another division, or transfer funds appropriated to a services district to any other services district.

Effect of Proposed Changes

This bill amends Section 14.03 of the City Charter to provide that the mayor may not transfer funds appropriated to a City division, department, agency or nondepartmental accounts to any other such division, department, agency, or nondepartmental account unless the City Council has adopted an ordinance, approved by at least 13 of the 19 members of the City Council, authorizing the mayor to make such transfers. Repeal or modification of the ordinance requires concurrence of at least 13 members of the City Council. An ordinance must specify:

- The type and manner of mayoral transfers that are permitted;
- Whether the council must be given prior notice of a proposed transfer; and
- Whether the council must be given an opportunity to override a proposed transfer within a specified timeframe and by a specified vote.

If the ordinance is consistent with the above standards, the ordinance is deemed a grant of additional powers to the executive branch that is not in violation of Section 4.01 of the City Charter. Section 4.01 of the Charter provides that “[t]he powers of the consolidated government shall be divided among the legislative, executive, and judicial branches of the consolidated government. No power belonging to one branch of the government shall be exercised by either of the other branches, except as expressly provided in this charter.”

This bill does not affect transfers of funds appropriated to a services district.

C. SECTION DIRECTORY:

Section 1. Amends s. 14.03 of the City of Jacksonville charter to expand power of mayor to transfer funds subject to authorization by the City Council.

Section 2. Provides an effective date.

¹ Ch. 67-1320, L.O.F.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? October 26, 2005

WHERE? Daily Record, City of Jacksonville, Duval 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

III. COMMENTS

A. CONSTITUTIONAL ISSUES: None.

B. RULE-MAKING AUTHORITY: Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS: None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

Not applicable.