



**RESOLUTION NO. 2023-05**

**A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA, OPPOSING HOUSE BILL 1331 BY REPRESENTATIVE BUSATTA CABRERA AND SENATE BILL 1380 BY SENATOR MARTIN; PROVIDING FOR ADOPTION OF RECITALS, REPEAL OF PRIOR INCONSISTENT RESOLUTIONS AND COUNCIL DECISIONS, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Neptune Beach (the "City") has chosen to operate a water and wastewater utility for the benefit of all customers receiving water and wastewater utility services from the City; and

**WHEREAS**, House Bill 1331 and Senate Bill 1380 were introduced at the state level this legislative session and would allow the state to set a cap on transfers of municipal electric, natural gas, water, and wastewater utility revenues to a municipal general fund to finance general government functions by dictating the limitation on the amount of such general fund contributions; and

**WHEREAS**, revenue from operation of the water and wastewater utilities may be transferred to the City's general fund and used to provide other services to the City's residents and businesses; and

**WHEREAS**, adoption of House Bill 1331 and Senate Bill 1380 would only serve to further hamstring a local government's ability to effectively utilize its financial resources to provide the programs and services it deems most appropriate to meet the needs of residents and visitors of its community; and

**WHEREAS**, the Council finds that the potential harm to the City/Beaches Energy Services is sufficient that the Council should inform the Florida Legislature that it is opposed to House Bill 1331 and Senate Bill 1380 and urges the Florida Legislature to defeat both bills.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA, THAT:**

**SECTION 1. Adoption of Recitals.** The foregoing recitals are deemed true and material parts of this resolution and are fully incorporated herein by reference.

**SECTION 2. Opposition of HB 1331 and SB 1380.** The City Council of the City of Neptune Beach hereby strongly opposes HB 1331 and SB 1380, relating to municipal utilities, and respectfully urges the Florida Legislature to reject House Bill 1331 and Senate Bill 1380 as currently drafted, and to withhold support until substantial revisions exempting or otherwise reducing negative impact or effect on the City of Neptune Beach are incorporated into the final version of such legislation.

**SECTION 3. Distribution.** The City Council directs the City Clerk to transmit a copy of this resolution to the Florida Governor, the City of Jacksonville, the Florida League of Cities, the Duval County Legislative Delegation, and the Florida Rural Water Association for distribution.

**SECTION 4. Repeal of Prior Inconsistent Resolutions and Council Decisions.** All prior resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of the conflict.

**SECTION 5. Severability.** If any section, sentence, clause, or phrase of this resolution should be held invalid, unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force, or effect of any other section, sentence, phrase, or portion of this resolution not otherwise determined to be invalid, unlawful, or unconstitutional.

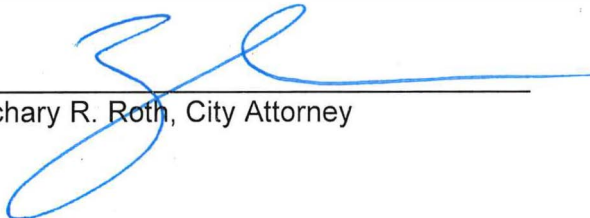
**SECTION 6. Effective Date.** This resolution shall become effective immediately upon passage and adoption by City Council.

**AUTHENTICATED** this 17<sup>th</sup> day of April, 2023.

  
Elaine Brown, Mayor

  
Catherine Ponson, City Clerk

Approved as to form and legal sufficiency:

  
Zachary R. Roth, City Attorney

