

**RESOLUTION NO. 030855**  
**PASSED January 26, 2004**

**A RESOLUTION OF THE CITY OF GAINESVILLE URGING  
MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT  
THE FOLLOWING MUNICIPAL ISSUES DURING THE 2004  
LEGISLATIVE SESSION.**

WHEREAS, legislation passed (HB 113A) during the 2003 Special Session "A" that is the implementation of Article V, a 1998 constitutional amendment, that requires the state to fund the county court system; and

WHEREAS, HB 113A prohibits state attorneys from appearing in county courts for the purpose of prosecuting municipal ordinances; and

WHEREAS, the bill also prohibits a municipality from contracting with a state attorney for the prosecution of municipal ordinances, and public defenders will not be allowed to represent indigents charged with ordinance violations; and

WHEREAS, HB 113A requires a filing fee of \$200 for each code or ordinance violation; and

WHEREAS, several cities enforce code enforcement through a citation process, which are filed through the county court system; and

WHEREAS, many of the fines for these citations are less than half of the proposed \$200 filing fee, which would make the citation process ineffective for code enforcement activities; and

WHEREAS, the intent of the Municipal Revenue Sharing hold harmless provision in HB 113A was intended to not reduce any revenues currently shared with municipalities; and

WHEREAS, clean drinking water is a precious resource that must be adequately planned for to meet the needs of future growth in Florida; and

WHEREAS, cities are implementing several innovative methods to assure an adequate supply of drinking water is available for its citizens; and

WHEREAS, efforts were made during the 2003 legislative session to mandate that cities establish water conservation rate structures, impose drought rates, require submetering in apartment buildings or condos, mandate statewide irrigation standards, implement “informative billing”, and meter reclaimed water; and

WHEREAS, municipalities would be negatively impacted by legislation mandating conservation measures on a “one size fits all” approach and many of the conservation measures being considered had no demonstrable conservation benefit but will be very expensive to implement; and

WHEREAS, the geographic emphasis and restrictive nature of Florida’s current annexation policy has negatively impacted Florida’s municipalities by inhibiting their economic vitality, creating inefficient service delivery and subsidizing urban sprawl; and

WHEREAS, the current law has actually made it more difficult for municipalities to provide municipal services in the urbanizing areas in comparison to counties and special districts; and

WHEREAS, Florida’s tremendous population growth and inflexible annexation policies cause disruption in historical service delivery responsibilities and results in a continuous conflict and inefficiencies in the financing and delivery of many local public services.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1. That the City of Gainesville urges Governor Jeb Bush and members of the Florida Legislature to support legislation that:

*Allows municipalities to contract for the services of public defenders and state attorneys to enforce local ordinances; and*

*Eliminates the fee schedules for the enforcement of municipal code or ordinance violations.*

*Provides a modification of the distribution formula for revenues Transferred from the Half-Cent Sales Tax Program to the Revenue*

***Sharing Trust Fund for Municipalities.***

Section 2. That the City of Gainesville urges Governor Jeb Bush and members of the Florida Legislature to support legislation that:

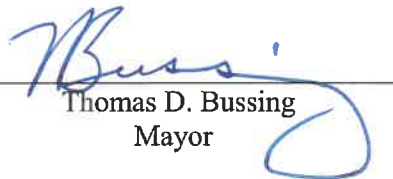
***Preserves the authority of individual local governments to determine and implement the specific water conservation measures required under a water use permit, and which preserves a local government's control over reclaimed water that is created by the local government***

Section 3. That the City of Gainesville urges Governor Jeb Bush and members of the Florida Legislature to support legislation that:

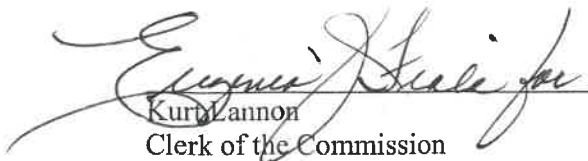
***Strengthens the ability of municipalities to eliminate all enclaves regardless of size or use, and provides reasonable procedures to expeditiously annex areas that are contiguous to their boundaries.***

Section 4. That a copy of this resolution shall be provided to Governor Jeb Bush, Senate President Jim King, House Speaker Johnnie Byrd and members of the Florida Legislature.

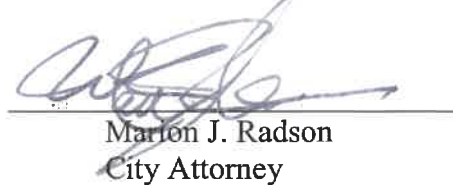
PASSED and ADOPTED by the City of Gainesville this 26th day of January, 2004.

  
Thomas D. Bussing  
Mayor

ATTEST:

  
Kurt Lannon  
Clerk of the Commission

APPROVED AS TO FORM AND LEGALITY:

  
Marion J. Radson  
City Attorney

**JAN 27 2004**