JACKSONVILLE’S INDEPENDENT AUTHORITIES

The legislative authority for Jacksonville’s independent authorities can be found in the City Charter (JEA and School Board), in the Charter’s Related Laws (Jacksonville Aviation Authority and Jacksonville Port Authority) and in the Florida Statutes (Jacksonville Transportation Authority). The authorities all have some similarities and some differences based largely on their greater or lesser degree of local versus state control of their operations.

The School Board differs from the other authorities in that it is part of a unified statewide system of public education and is substantially funded and regulated by the State of Florida. The School Board is also the only one of the authorities governed by an elected board, with the power to levy a tax millage, and whose budget is not reviewed or approved by the City Council.

The JEA was created at the time of consolidation in 1968 to assume the functions of the old City Electric Department. In 1997 the City transferred its water and sewer operations from the Public Works Department to the JEA to operate, to which the authority subsequently added three chilled water plants to supply air conditioning to various buildings downtown. JEA differs from the other authorities in that it provides a direct financial contribution to the City each year in the form of an assessment based on a contract negotiated between the two entities every 5 years. The contract provides for two methods of determining the annual contribution – a formula based on a millage rate applied to electric and water/sewer sales, or a minimum annual increase, whichever is greater each year. The JEA’s 7-member board is appointed fully by the Mayor and confirmed by City Council.

The Jacksonville Transportation Authority derives from the pre-consolidation Jacksonville Expressway Authority created in the 1950s to construct roads and bridges throughout Duval County. It later assumed control of the private bus operations in the city and began providing mass transit services. The JTA differs from the other authorities in that it is a state-created agency and the City appoints less than a majority of its 7-member governing board: 3 members appointed by the Mayor and confirmed by City Council, 3 members appointed by the Governor and confirmed by the Senate, and the District Secretary of the Florida Department of Transportation. The JTA’s authorizing legislation (Chapter 349, *Florida Statutes*) provides that the authority has the power to retain legal counsel, but does not mention Jacksonville’s Office of General Counsel. It has been the long-standing practice of the General Counsel’s Office to hire a private attorney to serve the legal needs of the JTA. The authority is funded by a combination of ridership fares, federal and state grants, 5 of the 6 cents of the City’s local option gas tax, 50% of the “constitutional” gas tax (the City’s share of a state gas tax collected in Jacksonville), and the half cent sales tax for transportation (the “tax for tolls”).

The Jacksonville Port Authority was originally created by state law in 1963 to take over operation of the pre-consolidation city’s wharves, piers and associated marine facilities. Upon consolidation in 1968 the City’s airports were added to the JPA’s portfolio and it operated both types of facilities until 2001 when the authority was split into the current Jacksonville Port Authority (seaport operations) and the Jacksonville Aviation Authority (airport operations). JPA’s 7-member board is appointed by the City and state: 4 members appointed by the Mayor and confirmed by City Council, and 3 members appointed by the Governor and confirmed by the Senate. Pursuant to its charter and a 1996 Interlocal Agreement, the City provides the JPA with an annual appropriation of a share of the City’s communications service tax and a millage payment from the JEA.

The Jacksonville Aviation Authority was created by the split of Jaxport in 2001 into seaport and airport authorities. The JAA differs from the other authorities in that it is heavily regulated by the Federal Aviation Administration and neither contributes to nor receives any funding from the City (except for some contractual services such as JFRD fire protection at the airport). All of its revenues derive from airport operations and from the FAA’s passenger surcharge. The JAA’s 7-member board is split between City and State appointees: 3 members appointed by the Mayor and confirmed by City Council, and 4 members appointed by the Governor and confirmed by the Senate.

Aside from the JTA, the charter authority of the other 4 authorities contains similar language regarding mandatory use of the Office of General Counsel:

“JEA shall be required to use the legal services of the city on a cost-accounted basis except in those cases when the chief legal officer of the city determines that the city legal staff cannot or should not provide legal services in the required legal area. JEA shall appropriate the funds necessary to meet the obligations for outside legal services as determined by the chief legal officer of the city. Such chief legal officer shall consult with JEA before he or she selects outside counsel.”

“…[JAA] shall be required to use the legal services of the City of Jacksonville, except in those cases when the chief legal officer of the city determines that the city legal staff cannot provide legal services in the required area. Such use of city services, including, but not limited to, legal services, shall be on a contractual basis and the authority is authorized to pay the city reasonable and fair compensation for such services so furnished by the city and used by the authority. The use by the authority of any such services furnished by the city shall not obligate the authority, except to the extent it contracts with the city, or otherwise subject the authority to any rules, regulations, or ordinances of the city not otherwise applicable to the authority under this act and the charter of said city.”

“…[JPA] shall be required to use the legal services of the city of Jacksonville, except in those cases when the chief legal officer of the city determines that the city legal staff cannot provide legal services in the required area. Such use of city services, including, but not limited to, legal services, shall be on a contractual basis and the authority is authorized to pay the city reasonable and fair compensation for such services so furnished by the city and used by the authority. The use by the authority of any such services furnished by the city shall not obligate the authority, except to the extent it contracts with the city, or otherwise subject the authority to any rules, regulations, or ordinances of the city not otherwise applicable to the authority under this act and the charter of said city.”

“Unless otherwise directed by the council, the Duval County School Board shall utilize the internal services of the city except that the Duval County School Board shall not be required to use the services of the City’s Procurement Division and the City’s Division of Human Resources.”

“There is established an office of the City of Jacksonville to be known as the office of general counsel, which shall have the responsibility for furnishing legal services to the city and its independent agencies, except that the council may create an office of legislative counsel … For purposes of utilization of central services by the city and its independent agencies, the services of the office of general counsel shall be deemed to be central services or services of the central services department, as the case may be … The General Counsel may authorize the independent agencies to engage outside counsel upon certification by the General Counsel of compliance with the Charter and with the agency’s authority and a written finding of necessity by the General Counsel.”