

# Speaker pro tempore Chuck Clemons

105 SW 140<sup>th</sup> Court, Suite 1  
Newberry, FL 32669  
(352) 313-6542 ~ (352) 313-6544 (f)



422 The Capitol  
402 S. Monroe  
Tallahassee, FL 32399  
(850) 717-5022

Florida House of Representatives, District 22

October 24, 2024

To the Customers of Gainesville Regional Utilities –

As the author of HB1645, yesterday's ruling by Judge George Wright, 8<sup>th</sup> DCA, to grant a temporary injunction of any claim of governance over GRU by the City, irrespective of the outcome of its illegal referendum, came as little surprise to me. The legislation I filed in 2023 was the culmination of years of mismanagement on the part of the City Commission, all of which was born out in the report by the Auditor General (2022-087).

The City's testimony before the Joint Legislative Auditing Committee made it apparent that there was no sense of urgency on the part of the Commission, and they had no viable plan to veer from the very course that had placed the utility in peril. Accordingly, I set out to amend the City of Gainesville's Charter which was created and granted by the Legislature by Chapter 12760 of the Laws of Florida in 1927.

Ensuring the appropriateness and legality of HB1645 was paramount – my objectives were to 1) cede governance of the utility with an Authority, separate, apart, and beyond the control of the City Commission. 2) to prohibit the brand of activist-management practiced by the City, 3) to establish representation of the 40% of ratepayers who live outside the city's corporate boundaries, and, 4) most importantly, to codify clear, ironclad, language in the legislation which would pre-empt any of the myriad of scenarios that I knew the City Commission might attempt to undermine the Authority's autonomy and perpetuity.

At every step, detractors arrogantly pushed erroneous narratives, rewrote history, and manufactured out of whole cloth, non-existent laws that somehow positioned local governments as untouchable from legislative oversight.

I never believed those narratives, nor did the courts. My confidence never wavered as five separate lawsuits attacking HB1645 failed. In each instance, we received favorable rulings at to the formulation, adoption, and implementation of HB1645. In their rulings, they recognized that the City of Gainesville, like all local governments, is a subdivision of the State, with the Legislature having oversight authority. Further, because the State has the ultimate liability resulting from default or insolvency, it is the duty of the Legislature to act.

Dismissing all of this, the City Commission ignored the plain language of HB1645 which prohibits their interference, and placed an illegal referendum on the November ballot in an attempt to regain control of GRU. Again, I was certain that their actions would not stand, and despite the high bar set to be granted the injunction, the provisions of HB1645 were again acknowledged and recognized.

This latest attempt by the City illustrates its historic lack of concern for the well-being of both the utility and its ratepayers. As witnessed in testimony, the Commission's actions risk adversely affecting the utility's bond ratings, undercutting any ability to provide much-needed rate relief to its customers.

I can only conclude that it is ego which has been behind the mounting of these repeated failed efforts. The disinformation disseminated, primarily by Commissioner Bryan Eastman, must stop; every single one of his outlandish claims has been responded to and debunked – on social media, in committee hearings, and in courtrooms. I am once again calling for all to move forward with the orderly transition demanded by HB1645.

At some point, the expenditure of taxpayer dollars and the City's resources on these obstinate and aimless clashes against the Legislature's authority, particularly during these difficult economic times, crosses the line of malpractice. In such an instance, it would not be out of the realm for the same Legislature who enacted Chapter 12760, to consider its dissolution.

I applaud the GRU Authority, its General Manager, and its legal counsel. Although my tenure in the Florida House is coming to an end, I am assured that they will work closely with a receptive bipartisan Legislature to strengthen and support their efforts in making GRU a utility that customers can afford.

Very Sincerely,

A handwritten signature in blue ink that reads "Chuck Clemons". The signature is written in a cursive, flowing style.

Charles "Chuck" Clemons