

ST. JOHNS COUNTY ORDINANCE NO. 96- 73

AN ORDINANCE PROVIDING FOR THE REGULATION OF THE COUNTY ROAD SYSTEM OF ST. JOHNS COUNTY; REGULATING THE OCCUPANCY OF THE COUNTY RIGHTS-OF-WAY AND OTHER REAL PROPERTY OF ST. JOHNS COUNTY BY ELECTRIC UTILITIES, INCLUDING JACKSONVILLE ELECTRIC AUTHORITY, FLORIDA POWER & LIGHT COMPANY, THE ELECTRIC UTILITY OF THE CITY OF JACKSONVILLE BEACH, AND OTHER ELECTRIC UTILITIES THAT MAY OPERATE WITHIN ST. JOHNS COUNTY FOR THE CONSTRUCTION, LOCATION OR RELOCATION OF THEIR ELECTRICAL FACILITIES; PROVIDING LEGISLATIVE FINDINGS; DEFINING CERTAIN TERMS INCLUDING "ELECTRIC UTILITIES", "ELECTRIC UTILITY PRIVILEGE FEE", AND "ELECTRIC FACILITIES"; GRANTING TO THE ABOVE NAMED ELECTRIC UTILITIES AND OTHER ELECTRIC UTILITIES THAT MAY OPERATE WITHIN ST. JOHNS COUNTY THE PRIVILEGE TO USE AND OCCUPY THE COUNTY RIGHTS-OF-WAY; PROVIDING FOR THE ABILITY OF THE COUNTY TO IMPOSE AN ELECTRIC UTILITY PRIVILEGE FEE UPON THE ELECTRIC UTILITIES THAT USE THE COUNTY'S RIGHT OF WAYS OR OTHER COUNTY PROPERTY TO GENERATE OR TRANSMIT ELECTRICITY BY ENACTMENT OF ONE OR MORE SUBSEQUENT ORDINANCES; PROVIDING FOR ESTABLISHING THE AMOUNTS OF THE ELECTRIC UTILITY PRIVILEGE FEE AS A PERCENTAGE OF THE GROSS REVENUES RECEIVED BY SUCH ELECTRIC UTILITIES FROM THE SALE OF ELECTRICITY TO CUSTOMERS WITHIN THE UNINCORPORATED AREAS OF ST. JOHNS COUNTY; PROVIDING FOR MONTHLY PAYMENTS OF THE ESTIMATED ELECTRIC UTILITY PRIVILEGE FEE IF AND WHEN IT IS IMPOSED; PROVIDING A FINDING THAT THE ELECTRIC UTILITY PRIVILEGE FEE, IF IMPOSED, WILL BE PASSED THROUGH TO THE ELECTRIC UTILITIES' CUSTOMERS IN THE UNINCORPORATED AREA OF THE COUNTY PURSUANT TO THE RULES OF THE FLORIDA PUBLIC SERVICE COMMISSION; PROVIDING FOR INDEMNIFICATION OF THE COUNTY FOR OCCUPANCY OF THE COUNTY RIGHTS-OF-WAY; DECLARING THE COUNTY'S INTENT NOT TO COMPETE; RESERVING THE COUNTY'S RIGHT TO ALTER OR REPEAL THE ELECTRIC

UTILITY PRIVILEGE FEE; RESERVING THE COUNTY'S  
RIGHT TO AUDIT AND EXAMINE THE BOOKS OF THE  
ELECTRIC UTILITIES; PROVIDING FOR SEVERABILITY;  
REPEALING ST. JOHNS COUNTY ORDINANCE 96-59; AND  
PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS  
COUNTY, FLORIDA:

ARTICLE I  
INTRODUCTION

SECTION 1.01. DEFINITIONS. When used in this Ordinance, the following terms shall  
have the following meanings, unless the context clearly otherwise requires:

"Board" shall mean the Board of County Commissioners of the County.

"City of Jacksonville Beach Electric Utility" or "JBEU" shall mean the electric utility, as  
defined in Chapter 366, Florida Statutes, owned and operated by the City of Jacksonville Beach,  
Florida which operates in the unincorporated areas of the County.

"Clerk" shall mean the clerk to the Board.

"County" shall mean St. Johns County, Florida.

"County Administrator" shall mean the administrative head of the County, his successor  
in function, or his designated representative.

"County Fiscal Year" shall mean the period commencing on October 1 and ending on the  
next ensuing September 30.

"County Rights-of-Way" shall mean those easements and rights-of-way used or obtained  
for use for a road, street, alley, utility, bridge, or other public way on the County Road System, and  
such other lands available for public use.

"County Road System" shall mean the road system of the County as defined in Chapter 334,  
Florida Statutes, or its statutory successor in function.

"Electric Facilities" shall mean all structures or personal property used in generating or  
transmitting electricity placed on or within County Rights-of-Way or other real property of the  
County, including but not limited to: transmission lines; poles; signs; wires; conduits; and fences; and  
electric power generation facilities or other structures.

**"Electric Franchise"** shall mean the franchise granted to the Electric Utilities pursuant to Section 2.01 of this Ordinance.

**"Electric Utility or Utilities"** shall mean, depending on the context, either severally or collectively, Florida Power & Light Company, Jacksonville Electric Authority, the City of Jacksonville Beach Electric Utility, and any New Electric Utility; but shall not include any electric utility which operates under a non-terminated, consented to electric utility franchise, adopted by separate County ordinance.

**"Electric Utility Privilege Fee"** shall mean the fee, if any, that is imposed on Electric Utilities by subsequent County ordinance(s) as described in Section 2.06 of this Ordinance, which shall be for the purpose of providing the County with: (A) reasonable compensation for the privileges granted in this Ordinance to use and occupy the County Rights-of-Way and or other real property of the County for the construction, location or relocation of Electric Facilities; (B) fair rental return on the privileged use of public property; and (C) payment of the Electric Utilities' fair share of the costs of the regulation of the County Rights-of-Way and the protection of the public in the use and occupancy of such Rights-of-Way or (D) for such lessor amounts as the Board deems appropriate and in the public interest.

**"Electric Utility Privilege Fee Commencement Date"** shall mean, for any Electric Utility, the first day of such Electric Utility's first monthly billing period, for its customers in the unincorporated areas of the County, after the effective date of the ordinance described in Section 2.06 hereof that imposes and sets the amount of the Electric Utility Privilege Fee.

**"FP&L"** shall mean Florida Power & Light Company, an electric utility as defined by Chapter 366, Florida Statutes which operates in the unincorporated areas of the County.

**"Initial County Fiscal Year"** shall mean, for any Electric Utility, the County Fiscal Year containing the Electric Utility Privilege Fee Commencement Date of such Electric Utility.

**"JEA"** shall mean the Jacksonville Electric Authority, a municipal electric utility as defined in Chapter 366, Florida Statutes.

**"New Electric Utility"** shall mean any person or entity that commences the generation or transmission of electricity to customers within the unincorporated area of the County subsequent to the effective date of this Ordinance by owning, operating, or maintaining Electric Facilities, or by

using Electric Facilities owned, used or maintained by others.

"**Right-of-Way Permit**" shall mean the permit issued by County the under Section 2.03 of this Ordinance which documents permission for the construction, location or relocation of Electric Facilities on or within the County Rights-of-way.

SECTION 1.02.      FINDINGS.    It is hereby ascertained, determined and declared:

(A)    The Board has the statutory authority to generally supervise the roads and streets within the County Road System under the provisions of Chapter 336, Florida Statutes. Such statutory authority includes the power to establish new roads, change and discontinue old roads and keep all roads in good repair.

(B)    The Board has the further statutory authority for the regulation of the location and relocation of Electric Facilities on or within the County Rights-of-Way under the provisions of Chapter 337, Florida Statutes. Such statutory authority includes the power to require the Electric Utilities to obtain a permit for the location of Electric Facilities on or within the County Rights-of-Way.

(C)    The use and occupancy of the County Rights-of-way by license or pursuant to a franchise by the Electric Utilities provides a benefit to such Electric Utilities and inevitably results in the relinquishment of property rights in the County Rights-of-Way which property rights are held by the County as a public trust.

(D)    County regulation of the use of the County Rights-of-Way by Electric Utilities is essential for the County to maximize the effective and efficient use of the County Rights-of-Way (1) to avoid conflicts with drainage and maintenance, (2) to avoid conflicts with the use of such public places for other public purposes, including but not limited to, other public and privately-owned utilities and communications facilities, and (3) to preserve the paramount use of County Rights-of-Way in supporting traffic circulation and control on the County Road System.

(E)    The citizens of the County through the past allocation of County revenues have a historical economic investment in the acquisition, construction and maintenance of the County Rights-of-Way and the preservation and maintenance of the County Rights-of-Way is in the public interest.

(F) The legislative declaration by the County not to compete in the generation of electrical power or in the provision of electricity to customers in the unincorporated area of the County in the manner and under the conditions set forth in Section 3.02 of this Ordinance constitutes a valuable competitive advantage to the Electric Facilities.

(G) Improper construction, location or relocation of poles and other Electric Facilities is a potential safety hazard to the public and is inconsistent with the paramount use of the County Rights-of-Way to provide traffic circulation and control on the County Road System.

(H) The Electric Utility Privilege Fee imposed pursuant to Section 2.06 of this Ordinance shall be equal to, or less than, a reasonable charge for the rental, use and occupancy of the County Rights-of-Way and other real property of the County and for the regulation of the construction, location and relocation by Electric Utilities of Electric Facilities within the County Rights-of-Way.

(I) Imposition of an Electric Utility Privilege Fee legislatively and without the consent or agreement by the Electric Utilities will serve the public interest by providing a reasonable rental for the privileged use of public property by such Electric Utilities and by maximizing the effective and efficient use of County Rights-of-Way for their primary purposes enumerated in Section 1.02(D) of this Ordinance.

SECTION 1.03. STATEMENT OF INTENT.

(A) It is the intent of the Board to grant a privilege and franchise to the Electric Utilities to use and occupy the County Rights-of-Way for the generation or transmission of electricity in a manner not available to the general public under conditions and regulations necessary to provide and maintain the paramount use of the County Rights-of-Way for traffic circulation and control on the County Road System.

(B) The Board further intends to provide essential regulation of the use of County Rights-of-way by the Electric Utilities; to protect the public interest in such County Rights-of-Way and public land use; and to provide for the ability to impose a fee to pay the cost of such regulation and public protection and to provide a fair rental return on the privileged use of public property.

(C) The Electric Utility Privilege Fee, if imposed, will be imposed upon the Electric Utilities for their privileged use of County Rights-of-Way in conducting their business and their

proprietary activities of generating and transmitting electricity for sale to customers in the unincorporated areas of the County. Any New Electric Utility that requires a similar privileged use of County Rights-of-Way in conducting the business or proprietary activity of generating and transmitting electricity for sale to customers in the unincorporated areas of the County shall also be liable for payment of the Electric Utility Privilege Fee if such fee is imposed and set as provided in Section 2.06 hereof.

(D) The Electric Utility Privilege Fee, if imposed, will be imposed against each Electric Utility for its privileged use of County Rights-of-Way and will be calculated as a percentage of the gross revenues received by the Electric Utility from the sale of electricity to its customers within the unincorporated areas of the County. The Electric Utility Privilege Fee is not to be based on the extent and scope of the Electric Facilities that are located in County Rights-of-Way.

(E) If an Electric Utility conducts its business or proprietary activity within St. Johns County exclusively on property other than the County Rights-of-Way, no Electric Utility Privilege Fee shall be imposed under or pursuant to this Ordinance on the revenues received by such Electric Utility from the sale of electricity within the unincorporated areas. An Electric Utility generating and/or transmitting electricity solely on property other than County Rights-of-Way would not be exercising a privileged use of public property in its business or proprietary activity and would thus be beyond the scope of this Ordinance.

(F) This Ordinance shall be of no force or effect as to any Electric Utility that enters into a negotiated franchise agreement with the County when that franchise agreement provides for a franchise fee to be paid by the Electric Utility in substantially the same amount and calculated in substantially the same fashion as the Electric Utility Privilege Fee that may be imposed pursuant to Section 2.06 of this Ordinance; places substantially similar duties and responsibilities on the use of County Rights-of-Way by such Electric Utility as provided in this Ordinance; and provides for regulation of the competing use of County Rights-of-Way in a manner that is comparable with the regulatory requirements of this Ordinance.

ARTICLE II  
USE OF COUNTY RIGHTS-OF-WAY

SECTION 2.01. PRIVILEGE AND FRANCHISE GRANTED. The Electric Utilities are granted a privilege and franchise to use and occupy the County Rights-of-Way for the construction, location, and relocation of Electric Facilities or for the use of Electric Facilities owned, used or maintained by others. Such Electric Franchise shall be subject to the conditions and regulations provided in this Ordinance and conditioned upon timely payment by the Electric Utilities of the Electric Utility Privilege Fee, if any, established and imposed at a later date(s) under and pursuant to Sections 2.06 and 2.07 of this Ordinance.

SECTION 2.02. LOCATION AND/OR REPAIR OF ELECTRIC FACILITIES.

(A) All Electric Facilities shall be installed, constructed, located or relocated in such a manner as to provide minimal interference with the contemplated traffic circulation and control on the County Rights-of-Way, shall not restrict reasonable ingress and egress from abutting property, and shall not conflict with the functions enumerated in Ordinance 96-40, as amended from time to time, and Section 1.02(D) of this Ordinance. The location or relocation of all Electric Facilities shall be made in the locations and in the manner as the County Administrator or designee shall reasonably require in order to avoid conflicts with traffic, drainage and maintenance and with the use and maintenance of such rights of way and public places for other public purposes including but not limited to public and privately owned communications facilities and public and other privately owned utilities. When any portion of a road, street, alleyway, or other public improvement within the County Rights-of-Way is excavated or disturbed by an Electric Utility in the location, relocation, construction or repair of any of its Electric Facilities the portion of the County Right-of-Way and/or public improvements so excavated or disturbed shall, within a reasonable time and as early and practicable after such excavation or disturbance, be repaired and replaced by the Electric Utility at its expense in as good condition as it was prior to the time of such excavation, disturbance or repair.

(B) Any above-grade Electric Facilities installed by any Electric Utility after the effective date of this Ordinance shall be installed as close to the outer boundaries of the County Rights-of-Way

to the extent possible under County Ordinance 96-40, as amended from time to time, and shall not conflict with the primary County Right-of-Way functions enumerated in Ordinance 96-40, as amended from time to time, and Section 1.02(D) of this Ordinance.

(C) The County may require an Electric Utility to relocate its Electric Facilities when necessary to accommodate any reasonable public purpose capital improvement project of the County (some examples are, but not limited to, pavement expansion, pavement improvements, drainage improvements and water or sewer line installation). Under such circumstances, the County shall not be liable to the Electric Utility for any cost or expense in connection with any relocation of the Electric Utility's facilities except, however, the Electric Utility may be entitled to reimbursement of its costs from others and as may be provided by statutory law.

SECTION 2.03. RIGHT-OF-WAY PERMITS. All Electric Utilities shall secure a Right-of-Way Permit prior to the construction, location or relocation of Electric Facilities within the County Rights-of-Way. Application for a permit shall be made in compliance with County Ordinance No. 96-40, as amended from time-to-time, except that any Electric Utility that is subject to this Ordinance and that also pays an Electric Utility Privilege Fee to the County shall not be required to pay any additional permit application fees for any such Right-of-Way Permit.

SECTION 2.04. NO COUNTY LIABILITY. The County shall not be liable to any Electric Utility for any cost or expense in connection with the construction, reconstruction, repair or relocation of the Electric Facilities made necessary by the widening, grading, paving or otherwise improving of any road, street, alleyway or other public improvement within the County Rights-of-Way.

SECTION 2.05. INDEMNIFICATION. The County shall not be liable or responsible for any accident or damage that may occur in the construction, location or relocation or operation and maintenance by the Electric Utilities of their Electric Facilities on or within the County Rights-of-Way and each Electric Utility as a condition of the privilege and franchise granted pursuant to Section 2.01 of this Ordinance, shall be deemed to have agreed to indemnify and hold harmless the



County, the Board and the members thereof from any and all liability, loss, cost, damage or expense which result from its exercise of the privileges granted herein or which may accrue to the County, the Board or the members thereof by reason of its neglect, default or misconduct in the construction, location or relocation or operation and maintenance of its Electrical Facilities within the County Rights-of-Way.

SECTION 2.06. ELECTRIC UTILITY PRIVILEGE FEES.

(A) The Board may, from time to time by duly enacted ordinance(s) require the Electric Utilities to pay to the County an Electric Utility Privilege Fee during each County Fiscal Year in an amount equal to a percentage (to be established by such ordinance(s)) of the gross revenues received by the Electric Utilities from the sale of electricity to customers within the unincorporated areas of the County. Such amount shall comply and be consistent with the definition of Electric Utility Privilege Fee set forth in this Ordinance and with Section 1.02(H) and all other sections and provisions of this Ordinance. Payments of such Electric Utility Privilege Fee, if and when imposed, shall be made at the end of each Electric Utility's monthly billing period in estimated monthly installments. Each estimated monthly installment shall be calculated on the basis of ninety percent (90%) of the above described revenues of the Electric Utilities for the monthly billing period ending two months prior to each scheduled monthly payment. The final monthly installment for each County Fiscal Year shall be adjusted to reflect any underpayment or overpayment resulting from the estimated monthly installments made for such County Fiscal Year.

(B) Nothing contained herein or in the ordinance(s) setting the amount of the Electric Privilege Utility Fee shall be construed to be a limitation on the assessment and collection of valid taxes, special assessments, licenses, fees, charges or other impositions by the County or other public or governmental body on the Electric Utilities regardless of the payment of the Electric Utility Privilege Fee imposed pursuant to this Section of this Ordinance, unless otherwise expressly provided by this Ordinance, as amended from time-to-time, or by the ordinance(s) setting the amount of the Electric Privilege Utility Fee.

SECTION 2.07. INITIAL YEAR ELECTRIC UTILITY PRIVILEGE FEES.

(A) The obligation for any Electric Utility, not a New Electric Utility, to begin paying the Electric Utility Privilege Fee shall begin on the Electric Utility Privilege Fee Commencement Date. For the Initial County Fiscal Year, an Electric Utility shall pay to the County an Electric Utility Privilege Fee in an amount equal to the percentage (as such percentage, if any, is established by subsequent ordinance(s) as described in Section 2.06 hereof) of the gross revenues received by the Electric Utility from the sale of electricity to customers within the unincorporated areas of the County during the Initial County Fiscal Year.

(B) Payments of the Electric Utility Privilege Fee for the Initial County Fiscal Year shall be made in estimated monthly installments for each month after the Electric Utility Privilege Fee Commencement Date in the Initial County Fiscal Year. Each estimated monthly installment shall be calculated on the basis of ninety percent (90%) of the above described revenues of each Electric Utility for the monthly billing period ending two months prior to each scheduled monthly payment. The first estimated monthly billing payment shall be made at the end of the third monthly billing period after the Electric Utility Privilege Fee Commencement Date. The monthly installment calculated on the basis of the last full monthly billing period in the Initial County Fiscal Year shall be adjusted to reflect any underpayment or overpayment resulting from the estimated monthly installments made for the Initial County Fiscal Year.

(C) Any New Electric Utility shall commence payment of the Electric Utility Privilege Fee for an Initial County Fiscal Year at the end of the third monthly billing cycle after the commencement of the sale of electricity to customers within the unincorporated area of the County. Payments of the Electric Utility Privilege Fee for the Initial County Fiscal Year shall be made in estimated monthly installments. Each estimated monthly installment shall be calculated on the basis of ninety percent (90%) of the gross revenues received by the New Electric Facility from the sale of electricity to customers within the unincorporated areas of the County for the monthly billing period ending two months prior to each scheduled monthly payment. The final monthly installment for the Initial County Fiscal Year shall be adjusted to reflect any underpayment or overpayment resulting from the estimated monthly installments made for such County Fiscal Year

ARTICLE III  
GENERAL PROVISIONS

SECTION 3.01. AUTHORITY. This Ordinance is adopted under the power of self government of counties not operating under a charter authorized under Article VIII, Section (1) (f), Florida Constitution, and implemented under section 125.01, Florida Statutes. The privilege and franchise awarded to the Electric Utilities under Section 2.01 of this Ordinance is pursuant to the constitutional and statutory grant of the power of self-government to counties not operating under a county charter and not pursuant to the additional statutory authority of section 125.42, Florida Statutes.

SECTION 3.02. DECLARATION NOT TO COMPETE. In the event the County imposes and sets an Electric Utility Privilege Fee in the manner set forth in Section 2.06 of this Ordinance, the County hereby declares that it will not thereafter engage in the business of the generation or transmission of electricity or the sale of electricity to customers in the unincorporated area of the County in competition with the Electric Utilities for so long as such Electric Utility Privilege Fee is imposed.

SECTION 3.03. NO VESTED RIGHTS GRANTED. The Electric Utilities shall not acquire any vested rights hereunder which would limit in any manner the County's right to amend, modify, or revoke this Ordinance or to terminate any privilege or permit pertaining to any road or highway or County Right-of-Way that is later closed, abandoned, vacated, discontinued or reconstructed.

SECTION 3.04. COUNTY RESERVATION OF RIGHTS. The County hereby specifically reserves the right to reduce or increase any Electric Utility Privilege Fee that may be imposed under or pursuant to Sections 2.06 and/or 2.07 of this Ordinance or to repeal this Ordinance in its entirety, by separate ordinance(s), upon ninety (90) day's written notice to any Electric Utility. Said notice shall contain a certified copy of the County ordinance exercising the right or rights reserved in the previous sentence. Additionally, the County may otherwise amend this Ordinance in the manner

provided by law.

SECTION 3.05. EXAMINATION OF BOOKS AND RECORDS. The County may at its option and its expense and upon reasonable notice to the Electric Utilities, at any time within ninety (90) days after each anniversary Date of the effective Date of the ordinance, if any, that imposes and sets an Electric Utility Privilege Fee pursuant to Section 2.06 hereof examine the records of operation and accounting files, books, and records of the Electric Utilities, as such records relate to the calculation of the Electric Utility Privilege Fee payments to the County as provided herein and in such fee implementing ordinance. The examination of such books, accounts, or records, or other materials necessary for the determination of compliance with the terms, provisions, or requirements of this Ordinance and the fee implementing ordinance shall be during regular hours of business of the Electric Utilities and at the corporate offices of the Electric Utilities. The County specifically reserves the right to conduct such audit by any third party employed by the County, whose fee for conducting such audit may be contingent on the findings of the audit.

SECTION 3.06. COLLECTION OF ELECTRIC UTILITY PRIVILEGE FEES FROM ELECTRIC CUSTOMERS. It is hereby legislatively declared that the Electric Utility Privilege Fee, if and when imposed pursuant to Section 2.06 or Section 2.07 of this Ordinance is the functional equivalent of a franchise fee within the contemplation of the Florida Public Service Commission Rule 25-6.100(7), Florida Administrative Code, and it is contemplated that the Electric Utility Privilege Fee shall be collected pursuant to such established administrative procedures.

SECTION 3.07. SEVERABILITY. If any word, clause, section, or provision of this Ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

SECTION 3.08.      ORDINANCE 96-59 REPEALED.    St. Johns County Ordinance 96-59 is hereby repealed.

SECTION 3.09.      COPIES TO ELECTRIC UTILITIES.      The Clerk of the Board of County Commissioners of St. Johns County, Florida is instructed to mail a copy of this ordinance to Jacksonville Electric Authority, Attn: Les Price, 21 West Church Street, Tower 4, Jacksonville, FL 32202; City of Jacksonville Beach, Attn: Harry Royal, P.O. Box 51389, Jacksonville, FL 32240; and Florida Power & Light, Attn: Bob Coleman, P.O. Box 2851, Daytona Beach, FL 32120.

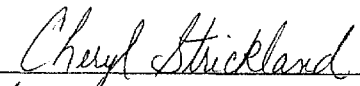
SECTION 3.10.      EFFECTIVE DATE.    A certified copy of this Ordinance shall be filed with the Florida Department of State by the Clerk of the Board within ten (10) days after enactment. This Ordinance shall be effective upon such filing with the Department of State.

DULY ENACTED in special session, this 17th day of December, 1996.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By:  \_\_\_\_\_  
Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

By:  \_\_\_\_\_  
Deputy Clerk

Effective Date: December 24, 1996

# The St. Augustine Record

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING  
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,  
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared \_\_\_\_\_  
Sandra D. Oliver \_\_\_\_\_ who on oath says that she is

Accounting Clerk \_\_\_\_\_ of the St. Augustine Record, a  
daily newspaper published at St. Augustine in St. Johns County, Florida:  
that the attached copy of advertisement, being a \_\_\_\_\_

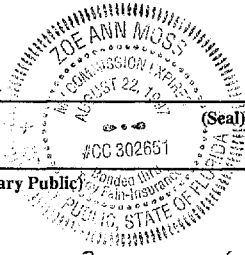
Notice of Public Hearing \_\_\_\_\_  
in the matter of Dec 17, 1996 2:00pm \_\_\_\_\_

in the \_\_\_\_\_ Court, was published in said newspaper in the  
issues of Dec 7, 1996 \_\_\_\_\_

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida, for a period of one year next preceding the first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 9 day of Dec, 1996,  
by Sandra D. Oliver who is personally  
known to me or who has produced \_\_\_\_\_ as  
(Type of Identification)  
identification.

Zoe Ann Moss  
(Signature of Notary Public)  
Zoe Ann Moss  
(Print, Type or Stamp Commissioned Name of Notary Public)



Ordinance Book 18 Page 661

## COPY OF ADVERTISEMENT

NOTICE OF PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS. NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida at its special meeting on Tuesday, December 17, 1996, at 2:00 p.m. in the County Auditorium at the County Administrative Complex, 4020 Lewis Speedway (County Road 16-A and U.S. 1 North), St. Augustine, Florida, will hold a public hearing to consider passage of the following ordinance:

ST. JOHNS COUNTY ORDINANCE NO. 96-\_\_\_\_\_  
AN ORDINANCE PROVIDING FOR THE REGULATION OF THE COUNTY ROAD SYSTEM OF ST. JOHNS COUNTY, REGULATING THE OCCURANCE OF THE COUNTY RIGHT-OF-WAY AND OTHER REAL PROPERTY OF ST. JOHNS COUNTY BY ELECTRIC UTILITIES, INCLUDING JACKSONVILLE ELECTRIC AUTHORITY, FLORIDA POWER & LIGHT COMPANY, THE ELECTRIC UTILITY OF THE CITY OF JACKSONVILLE BEACH, AND OTHER ELECTRIC UTILITIES THAT MAY OPERATE WITHIN ST. JOHNS COUNTY FOR THE CONSTRUCTION, LOCATION OR RELOCATION OF THEIR ELECTRICAL FACILITIES; PROVIDING LEGISLATIVE FINDINGS; DEFINING CERTAIN TERMS INCLUDING "ELECTRIC UTILITIES", "ELECTRIC UTILITY PRIVILEGE FEE", AND "ELECTRIC FACILITIES", GRANTING TO THE ABOVE NAMED ELECTRIC UTILITIES AND OTHER ELECTRIC UTILITIES THAT MAY OPERATE WITHIN ST. JOHNS COUNTY THE PRIVILEGE TO USE AND OCCUPY THE COUNTY RIGHTS-OF-WAY; PROVIDING FOR THE ABILITY OF THE COUNTY TO IMPOSE AN ELECTRIC UTILITY PRIVILEGE FEE UPON THE ELECTRIC UTILITIES THAT USE THE COUNTY'S RIGHT OF WAYS OR OTHER COUNTY PROPERTY TO GENERATE OR TRANSMIT ELECTRICITY BY ENACTMENT OF ONE OR MORE SUBSEQUENT ORDINANCES; PROVIDING FOR ESTABLISHING THE AMOUNTS OF THE ELECTRIC UTILITY PRIVILEGE FEE AS A PERCENTAGE OF THE GROSS REVENUES RECEIVED BY SUCH ELECTRIC UTILITIES FROM THE SALE OF ELECTRICITY TO CUSTOMERS WITHIN THE UNINCORPORATED AREAS OF ST. JOHNS COUNTY; PROVIDING FOR MONTHLY PAYMENTS OF THE ESTIMATED ELECTRIC UTILITY PRIVILEGE FEE IF AND WHEN IT IS IMPOSED; PROVIDING A FINDING THAT THE ELECTRIC UTILITY PRIVILEGE FEE, IF IMPOSED, WILL BE PASSED THROUGH TO THE ELECTRIC UTILITIES CUSTOMERS IN THE UNINCORPORATED AREA OF THE COUNTY PURSUANT TO THE RULES OF THE FLORIDA PUBLIC SERVICE COMMISSION; PROVIDING FOR INDEMNIFICATION OF THE COUNTY FOR OCCUPANCY OF THE COUNTY RIGHTS-OF-WAY; DECLARING THE COUNTY'S INTENT NOT TO COMPLETE; RESERVING THE COUNTY'S

RIGHT TO ALTER OR REPEAL THE ELECTRIC UTILITY PRIVILEGE. FREE RESERVING THE COUNTY'S RIGHT TO AUDIT AND EXAMINE THE BOOKS OF THE ELECTRIC UTILITIES PROVIDING FOR SEVERABILITY. REPEALING ST. JOHNS COUNTY ORDINANCE 94-39 AND PROVIDING AN EFFECTIVE DATE.

The proposed ordinance is on file in the Office of the Clerk of the Board of County Commissioners of the St. Johns County Administration Complex, 4020 Lewis Speedway (County Road 16A and U.S. 90 North), St. Augustine, Florida, and may be examined by interested parties prior to the public hearing. Interested parties may appear at the meeting and be heard with respect to the proposed ordinance. If a person decides to appeal, any decision made with respect to any matter considered at the hearing such person will need a record of the proceedings, and for such purposes such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Notice to persons needing special accommodations and to all hearing impaired persons: In accordance with the American with Disabilities Act, persons needing a special accommodation, or an interpreter to participate in this meeting should contact the ADA Coordinator of the County Administration Office, St. Augustine, Florida 32085. For hearing impaired individuals: Telecommunications Device for the Deaf (TDD) 823-2501 or the Florida Relay Service 1-800-933-8770. No later than 4 days prior to the date of this meeting.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA  
 CARL RUD MARKEL, ITS CLERK  
 By Irma Pocatelli, Deputy Clerk  
 1994 Dec. 7, 1994

END OF BOOK



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