

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: CS/SB 730

INTRODUCER: Community Affairs Committee and Senator Galvano

SUBJECT: Municipal Governing Body Meetings

DATE: March 3, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stearns	Yeatman	CA	Fav/CS
2.			GO	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 730 authorizes the governing body of a municipality to hold joint meetings upon matters of mutual interest with the governing body of the county within which the municipality is located at a time and place prescribed by ordinance or resolution. The meeting may be located inside or outside the boundaries of the municipality.

II. Present Situation:

County Government Meeting Authority

The Florida Constitution provides non-charter counties the power of self-government as is provided by general or special law.¹ The legislative and governing body of a non-charter county has the power to carry on county government to the extent not inconsistent with general or special law.² Non-charter counties are further authorized to hold special and regular meetings at “any appropriate public place in the county,” after giving proper public notice.³ Charter counties have all powers of local self-government not inconsistent with general law or special law.⁴ These provisions give charter and non-charter counties the authority to hold joint meetings with cities at any place within the county.

¹ Fla. Const. art. VIII, s. 1(f).

² Section 125.01, F.S.

³ Section 125.001, F.S.

⁴ Fla. Const. art VIII, s. 1(g).

Municipal Government Meeting Authority

The Florida Constitution grants local governments broad home rule authority. Specifically, municipalities have those governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform their functions and provide services, and exercise any power for municipal purposes, except as otherwise provided by law.⁵ However, the Florida Constitution states that annexation of unincorporated territory, merger of municipalities, and exercise of extra-territorial powers by municipalities shall be as provided by general or special law.⁶ Similarly, s. 166.021, F.S., gives municipalities home rule powers with the following exceptions: annexation, merger, exercise of extraterritorial power, and subjects prohibited by the state constitution or preempted to state or county government.

In 2011, the Legislature created s. 166.0213, F.S., to allow small municipalities that did not have the proper facilities available to act as a temporary city hall to hold public meetings within five miles of their jurisdictional boundaries. Prior to the enactment of that law, multiple attorney general opinions had indicated that there was no statutory authorization to hold public meetings outside of the municipality, as required by the Florida Constitution.⁷ “[I]n the absence of such statutory authorization, acts and proceedings at meetings held outside the municipal jurisdiction are void unless such actions are statutorily authorized.”⁸

Joint meetings between the governing bodies of cities and counties are common practice across the state. These meetings generally take place in the concerned city, however, legislative staff has found several instances of joint meetings held beyond municipal boundaries, including in the counties of Highlands, Charlotte and Indian River.⁹

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 166.0213, F.S., to authorize the governing body of a municipality to hold joint meetings to receive, discuss, and act upon matters of mutual interest with the governing body of the county within which the municipality is located. The time and place of the joint meeting may be prescribed by municipal ordinance or resolution. The meeting may be located inside or outside the municipality boundaries.

Section 2 provides an effective date of July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

⁵ Art. VIII, s. 2(b), Fla. Const.; *see also* s. 166.021, F.S.

⁶ Art. VIII, s. 2(c), Fla. Const.

⁷ Art. VIII, s. 2(c), Fla. Const.; s. 166.021, F.S., Op. Att’y Gen. Fla 2008-01 (2008); Op. Att’y Gen. Fla 2003-03 (2003); Op. Att’y Gen. Fla 75-139 (1975); *see also County of Okeechobee v. Florida Nat. Bank*, 150 So. 124, 126 (Fla. 1933).

⁸ Op. Att’y Gen. Fla 2008-01 (2008).

⁹ List of Meeting Notices for Joint meetings held beyond municipal boundaries on file with Community Affairs Committee Staff.

B. Public Records/Open Meetings Issues:

Article I, section 24(b) of the Florida Constitution, and s. 286.011, F.S., known as the Sunshine Law, specify the requirements for open meetings. Open meetings are defined as any meeting of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, at which official acts are to be taken. No resolution, rule, or formal action shall be considered binding unless it is taken or made at an open meeting.¹⁰

At least one public meeting over 100 miles from the relevant jurisdiction has been held to be a violation of the Sunshine Laws because it was decided that affected citizens were not given reasonable opportunity to attend.¹¹

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 166.0213 of the Florida Statutes.

¹⁰ Section 286.011, F.S.

¹¹ *Rhea v. School Bd. of Alachua County*, 636 So.2d 1383 (Fla. 1st DCA 1994).

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Community Affairs on March 5, 2014:

Provides that the county governing body may attend a joint meeting with a municipal governing body within the municipal boundaries under certain circumstances.

- B. **Amendments:**

None.