

**HOUSE OF REPRESENTATIVES  
FINAL BILL ANALYSIS**

<b>BILL #:</b>	CS/HB 503	<b>FINAL HOUSE FLOOR ACTION:</b>	
<b>SPONSOR(S):</b>	Local & Federal Affairs Committee; Pigman and others	115 Y's	0 N's
<b>COMPANION BILLS:</b>	CS/CS/SB 730	<b>GOVERNOR'S ACTION:</b>	Pending

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**SUMMARY ANALYSIS**

CS/HB 503 passed the House on April 28, 2014, as CS/CS/SB 730.

The Florida Constitution and Statutes require that the exercise of extra-territorial powers by a municipality be authorized by general or special law. These provisions have been interpreted to prohibit a municipality's governing body from holding meetings outside its boundaries absent enactment of a law authorizing such meetings.

This bill authorizes a municipal governing body to hold joint meetings with the governing body of the municipality's home county or the governing body of other municipalities to discuss and act on matters of mutual concern at a place and time prescribed by ordinance or resolution.

This bill does not appear to have a fiscal impact on state or local governments.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2014.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### **Open Meetings**

Article I, s. 24(b) of the State Constitution sets forth the state's public policy regarding access to government meetings. The section requires that all meetings of any collegial public body of the executive branch of state government or of any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, be open and noticed to the public. Any act taken by a public body shall not be considered binding unless it is taken at a meeting open to the public.<sup>1</sup>

Florida courts have held that "open to the public" means the public must be given a reasonable opportunity to attend the public meeting.<sup>2</sup> This requires that government meetings be held within a reasonable distance of the jurisdiction subject to the authority of the public body.

#### **County Government Meeting Authority**

The Florida Constitution provides non-charter counties the power of self-government as is provided by general or special law.<sup>3</sup> Charter counties have all powers of local self-government not inconsistent with general law or special law.<sup>4</sup> Counties may hold special and regular meetings at "any appropriate public place in the county," after giving proper public notice.<sup>5</sup> A legislative and governing body of a county may set the time and place of its official meetings.<sup>6</sup> These provisions give charter and non-charter counties the authority to hold joint meetings with cities at any place within the county.

#### **Municipal Government Meeting Authority**

The Florida Constitution provides municipalities with the governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services, and authorizes the exercise of any municipal power for municipal purposes except as otherwise provided by law.<sup>7</sup> This provision allows municipalities to hold joint meeting with county governments. However, unlike the laws regulating county meetings, the laws regulating municipal meetings are not explicit as to where municipalities may meet.

The Florida Constitution requires that the exercise of extra-territorial powers by a municipality shall be as provided by general or special law.<sup>8</sup> Municipal bodies are authorized to adopt legislation concerning any subject matter upon which the Legislature may act, except for: "[t]he subjects of annexation, merger, and exercise of extraterritorial power, which require general or special law pursuant to s. 2(c), Art. VIII of the State Constitution."<sup>9</sup>

The Florida Attorney General has recognized the Legislature's role in authorizing extraterritorial powers for municipalities. In a 2003 opinion concerning the authority of a municipality to meet roughly four miles outside its boundaries, the Attorney General wrote that city councils may not hold meetings outside municipal limits without authorization from general or special law, and that all acts and proceedings at meetings without statutory authorization are void.<sup>10</sup>

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<sup>1</sup> Section 286.011(1), F.S.

<sup>2</sup> *Rhea v. School Bd. Of Alachua County*, 636 So.2d 1383 (Fla. 1<sup>st</sup> DCA 1994).

<sup>3</sup> Art. VIII, Sec. 1(f), Florida Constitution.

<sup>4</sup> Art. VIII, Sec. 1(g), Florida Constitution.

<sup>5</sup> Section 125.001, F.S.

<sup>6</sup> Section 125.01(1)(a), F.S.

<sup>7</sup> Art. VIII, Sec. 2(b), Florida Constitution.

<sup>8</sup> Art. VIII, Section 2(c), Florida Constitution.

<sup>9</sup> Section 166.021(3)(a), F.S.

<sup>10</sup> Attorney General's Opinion 2003-03 (2003).

In 2008, the Legislature enacted ch. 2008-286, L.O.F., authorizing the City of Belleair Beach's governing board to hold meetings outside the municipality's boundaries at such time and place as prescribed by ordinance, resolution or interlocal agreement. Language in the bill provided that the city council was encouraged to hold its meetings in close proximity to the people it serves.

In 2011, the Legislature enacted ch. 2011-147, L.O.F., creating s. 166.0213, F.S., which authorized municipalities with populations of 500 or less to hold meetings up to five miles outside their municipal boundaries.

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.<sup>11</sup> Joint meetings between municipalities are also common practice<sup>12</sup> and by their nature cannot take place in both concerned municipalities at the same time.

In 2010, a civil complaint was filed against the Town of Lake Placid Commission for holding joint meetings with the Highlands County Commission in the county seat of Sebring, located approximately 20 miles away from Lake Placid.<sup>13</sup> The complaint alleged that the Town did not have the authority to meet beyond its municipal boundaries.<sup>14</sup> The Circuit Court ruled in favor of the Town of Lake Placid on Summary Judgment. The case is presently on appeal to the Second District Court of Appeals.<sup>15</sup>

#### Effect of the Bill

The bill explicitly authorizes municipality governing bodies to hold joint meetings with county governing bodies within which the municipality is located or with the governing body of another municipality. The bill requires municipalities to set the time and location of joint meetings by ordinance or resolution.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

None.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

#### **1. Revenues:**

None.

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<sup>11</sup> List of Meeting Notices for Joint meetings held beyond municipal boundaries on file with LFAC staff.

<sup>12</sup> *Id.*

<sup>13</sup> *Wiggins v. Town of Lake Placid*, FL. 10<sup>th</sup> Circuit Court (2010). Case No. 10-1012GCS. Verified Complaint Seeking Declaratory and Injunctive Relief.

<sup>14</sup> *Id.*

<sup>15</sup> See Docket for Case No. 10-1012GCS, on file with Highlands County Clerk of Court. <http://www.hcclerk.org/Home.aspx>.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON THE PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.