

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1609

City of Lauderdale Lakes, Broward County

SPONSOR(S): Seiler

TIED BILLS:

IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Urban & Local Affairs</u>	<u>8 Y, 0 N</u>	<u>Nelson</u>	<u>Kruse</u>
2) <u>Government Efficiency & Accountability Council</u>	<u></u>	<u></u>	<u></u>
3) <u></u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

This bill amends the charter of the City of Lauderdale Lakes, to permit persons who are not City residents or employees to serve on City boards and committees which are created by ordinance. It also deletes language which required persons serving on these boards to take an oath of office attesting to their residency.

The bill provides an effective date of upon becoming law.

According to the Economic Impact Statement, the bill is not expected to have a fiscal impact on any individuals, businesses or governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Constitutional/Statutory Provisions

Section 2(b), Art. VIII of the State Constitution provides that:

Municipalities shall have governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law....

Chapter 166, F.S., the "Municipal Home Rule Powers Act" grants extensive home rule power to all Florida municipalities. After a charter is enacted by the Legislature and approved by the affected voters in the area, a municipality may amend its charter in accordance with the act, notwithstanding any charter provisions to the contrary.¹ The act provides that the governing body of a municipality may, by ordinance, submit a proposed charter amendment to the electors.

Alternatively, the electors of a municipality may, by petition signed by 10 percent of the registered electors as of the last municipal general election, submit to the electors of a municipality a proposed amendment to its charter. Such an amendment may be to any part or to all of the charter except the part describing the boundaries of the municipality. The governing body of the municipality must place the proposed amendment contained in the ordinance or petition to a vote of the electors at the next general election or at a special election called for such purpose.

Upon adoption of an amendment to the municipal charter by a majority of the electors voting in a referendum, the governing body of the municipality must incorporate the amendment into the charter and file the revised charter with the Department of State. All amendments are effective on the date specified in the amendment, or as otherwise provided in the charter.

The City of Lauderdale Lakes

The City of Lauderdale Lakes is in the process of attempting to enhance its various boards and committees. The City believes that it would be advantageous to be able include not only residents of the City on these bodies, but business owners and other individuals who have a vested interest in the community. Section 3.13 of the Lauderdale Lakes' Charter requires that persons serving on boards, authorities and commissions be residents or employees of the City. Eliminating that requirement would necessitate a charter amendment referendum.

¹ Section 166.031, F.S., provides a process by which municipalities may amend their charters.

Effect of Proposed Changes

This bill amends s. 3.13 of the Charter of the City of Lauderdale Lakes, to permit persons who are not City residents or employees to serve on City boards and committees which are created by the City Commission by ordinance. The bill also removes language which required persons serving on these boards to take an oath of office attesting to their residency.

The bill provides an effective date of upon becoming law.

C. SECTION DIRECTORY:

Section 1: Amends s. 3.13 of the Charter of the City of Lauderdale Lakes to remove requirements relating to persons serving on City boards.

Section 2: Provides an effective date.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

February 9, 2007

WHERE?

The *Sun-Sentinel*, a daily newspaper of general circulation published in Broward County.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

According to the Economic Impact Statement, the bill is not expected to have a fiscal impact on any individuals, businesses or governments. The City is merely attempting to broaden the scope of individuals who are able to participate on City committees and boards by including not only residents and employees of the City but also business owners or other people who may have a vested right in assisting the City with fulfilling its goals.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues

None.

Other Comments

The City Commission adopted resolution No. 06-149 on September 26, 2006, requesting this bill from the Florida Legislature, through the Broward County Legislative Delegation.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES