

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 779
SPONSOR(S): Frishe
TIED BILLS:

Town of Belleair Shore, Pinellas County

IDEN./SIM. BILLS: SB 1692

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Urban & Local Affairs</u>	<u>6 Y, 0 N</u>	<u>Nelson</u>	<u>Kearney</u>
2) <u>Government Efficiency & Accountability Council</u>	<u>13 Y, 0 N</u>	<u>Nelson</u>	<u>Cooper</u>
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

This bill amends the special act that created the Town of Belleair Shore in Pinellas County, and provides authority for the town's governing board to pass ordinances, resolutions or enter into interlocal agreements which will allow it to hold regular and special meetings outside its municipal boundaries.

The bill has an effective date of upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government

The bill will allow a municipal governing board to enact ordinances and resolutions regarding an exercise of extraterritorial power, and enter into interlocal agreements contemplating the same, thereby enabling it to hold meetings outside its municipal boundaries.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

The Town of Belleair Shore

The Town of Belleair Shore was incorporated pursuant to ch. 67-1107, L.O.F., the special act that created its charter. Belleair Shore consists of one mile of beachfront property in Pinellas County on the Gulf of Mexico, and is bordered on the north by the City of Belleair Beach and on the south by the City of Indian Rocks Beach. In 2006, the town's population was estimated at 71.¹ The town contains approximately 55 private homes, and has no businesses, stores, schools, churches² or public buildings.

Belleair Shore is governed by a five-member board which is required by the town charter to "hold regular meetings at such time and place as may be prescribed by ordinance or resolution."³ As there is no appropriate venue within Belleair Shore to hold these meetings, the City of Belleair Bluffs has offered the use of its city hall to the town commission. The driving distance to this location from Belleair Shore is approximately two miles.⁴

Municipal Exercise of Extraterritorial Power/Meetings Held Outside Jurisdictional Boundaries

Section 166.021(3)(a), F.S., provides that a municipal legislative body may adopt legislation concerning any subject matter upon which the state 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. VII of the State Constitution."

Previously, the Florida Attorney General has opined that a municipality's governing body may not hold its meetings outside its jurisdictional boundaries unless authorized by general or special law, recognizing the Legislature's role in authorizing extraterritorial powers. See, OAG 2003-03, advising that municipal councils may not hold meetings outside municipal limits and that all acts and proceedings at such meetings are void in the absence of statutory authorization.⁵

The special act which created Belleair Shore did not provide the town commission specific authority to hold meetings outside its municipal limits.

¹ Florida Estimates of Population 2006, Bureau of Economic and Business Research, University of Florida, Gainesville.

² <http://www.tampabaybeaches.com>.

³ See, s. 4 (c) of ch. 67-1107, L.O.F.

⁴ Telephone conversation with Town of Belleair Shore Mayor John Robertson on February 15, 2007.

⁵ Also, see, OAG 75-139.

Effect of Proposed Changes

HB 779 amends ch. 67-1107, L.O.F., the special act creating the Town of Bellair Shore, and adds language which specifically authorizes the town commission to pass ordinances, resolutions or enter into interlocal agreements which will allow it to hold regular and special meetings outside its jurisdictional limits. The bill provides an effective date of upon becoming law.

C. SECTION DIRECTORY:

Section 1: Subsection (d) is added to s. 4 of ch. 67-1107, L.O.F.

Section 2: Provides an effective date.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 12, 2007.

WHERE? The *Pinellas News*, a weekly paper of general circulation published in Pinellas 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, this bill will have no fiscal impact.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues

None.

Other Comments

Unlike the provision that requires the meetings of a board of county commissioners to be "held at any appropriate public place in the county....,"⁶ there is no statutorily-prescribed place for municipal council meetings. Nonetheless, the requirements of Florida's Government in the Sunshine Law must be considered in selecting sites for such meetings.⁷

D. STATEMENT OF THE SPONSOR

Representative Frishe states: "This is a very simple measure to allow the Town of Belleair Shore, Pinellas County, Florida to be in compliance with State law."

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

None.

⁶ Section 125.001, F.S.

⁷ See, s. 286.011, F.S., and s. 24 of Art. I of the State Constitution.