

**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.)

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Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

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BILL: CS/CS/SB 730

INTRODUCER: Governmental Oversight and Accountability Committee; Community Affairs Committee and Senator Galvano

SUBJECT: Municipal Governing Body Meetings

DATE: April 3, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Stearns</u>	<u>Yeatman</u>	<u>CA</u>	<u>Fav/CS</u>
2.	<u>Kim</u>	<u>McVaney</u>	<u>GO</u>	<u>Fav/CS</u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 730 authorizes the governing body of a municipality to hold meetings outside of its boundaries. This bill provides that the governing body of a municipality will be permitted to hold a joint meeting anywhere within the county where the municipality is located when there are matters of mutual interest between the municipality and the county. A municipality will also be permitted to meet in another municipality to discuss matters of mutual interest. The time and place of the meetings must be prescribed by ordinance or resolution.

**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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> Charter counties have all powers of local self-government not inconsistent with general law or special law.<sup>4</sup> These

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<sup>1</sup> Fla. Const. art. VIII, s. 1(f).

<sup>2</sup> Section 125.01, F.S.

<sup>3</sup> Section 125.001, F.S.

<sup>4</sup> Fla. Const. art VIII, s. 1(g).

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 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.<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</sup> “[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.”<sup>8</sup>

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>9</sup>

### **III. Effect of Proposed Changes:**

**Section 1** amends s. 166.0213, F.S., to authorize the governing bodies of a municipality and the county in which it is located to hold joint meetings anywhere in that county so long as the two governing bodies are acting on or discussing matters of mutual interest. This bill also permits the governing body of a municipality to meet within the boundaries of another municipality when the two governing bodies wish to discuss or act on matters of mutual interest.

The time and place of a joint meeting must be noticed, as provided for by ordinance or resolution.

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

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

<sup>6</sup> Art. VIII, s. 2(c), Fla. Const.

<sup>7</sup> 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).

<sup>8</sup> Op. Att’y Gen. Fla 2008-01 (2008).

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

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## 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.<sup>10</sup>

## C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

Unknown.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

Unknown.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 166.0213 of the Florida Statutes.

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<sup>10</sup> Section 286.011, F.S.

**IX. Additional Information:**

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

**CS/CS by Governmental Oversight and Accountability on April 3, 2014:**

The CS/CS provides that the governing body of a municipality may meet within the boundaries of another municipality.

**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.