

**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 Community Affairs

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BILL: SB 730

INTRODUCER: Senator Galvano

SUBJECT: Municipal Governing Body Meetings

DATE: March 3, 2014

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stearns	Yeatman	CA	<b>Pre-meeting</b>
2.			GO	

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**I. Summary:**

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.

**II. Present Situation:**

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>1</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>2</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>3</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>4</sup>

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<sup>1</sup> Art. VIII, s. 2(b), Fla. Const.; *see also* s. 166.021, F.S.

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

<sup>3</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>4</sup> Op. Att’y Gen. Fla 2008-01 (2008).

### 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 must be prescribed by municipal ordinance or resolution.

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

### 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>5</sup>

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.<sup>6</sup>

#### C. Trust Funds Restrictions:

None.

### V. Fiscal Impact Statement:

#### A. Tax/Fee Issues:

None.

#### B. Private Sector Impact:

None.

#### C. Government Sector Impact:

None.

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<sup>5</sup> Section 286.011, F.S.

<sup>6</sup> *Rhea v. School Bd. of Alachua County*, 636 So.2d 1383 (Fla. 1st DCA 1994).

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 166.0213 of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.