

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** CS/HB 193 Charlotte County  
**SPONSOR(S):** Local, Federal & Veterans Affairs Subcommittee, Grant, M.  
**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee	13 Y, 0 N, As CS	Rivera	Miller
2) State Affairs Committee	22 Y, 0 N	Rivera	Williamson

### SUMMARY ANALYSIS

Counties are political subdivisions that may operate under a charter or without a charter. Charter counties have all powers of self-government not inconsistent with general law or special law approved by vote of the electors. Non-charter counties have such powers as provided by general or special law.

In 1969, the Legislature repealed all special laws and general laws of local application enacted prior to July 1, 1969, relating to compensation for county officials. However, the Legislature did not repeal such laws related to payment of travel expenses or extra compensation. Absent a special or local law, county official travel expenses are governed by s. 112.061, F.S., which regulates per diem and travel expenses for public officials, employees, and authorized persons. Counties may deviate from the statutory rates, by ordinance, if the rate applies uniformly to all travel by the county and the rate is not less than the stated minimum.

Special law governs travel expenses for Charlotte County Commissioners and authorizes the county to pay travel, entertainment, and lodging expenses for visiting dignitaries and public officials at the discretion of the board of county commissioners.

The bill repeals the special laws authorizing the county to pay travel, entertainment, and lodging expenses for visiting dignitaries and public officials and all special laws regulating county commissioner travel expenses.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

Florida is divided into political subdivisions called counties, which may be created, abolished, or changed by law.<sup>1</sup> Counties can operate under a charter and exercise self-governing powers, or home rule authority, not inconsistent with general law or special law approved by vote of the electors.<sup>2</sup> Counties that do not operate under a charter have home rule authority as provided by general or special law.<sup>3</sup>

Charter counties have greater home rule authority than non-charter counties. Charter counties may enact local ordinances not inconsistent with general law or special law approved by the electors,<sup>4</sup> but non-charter counties may enact ordinances only as provided by general law or special law.<sup>5</sup> If provided in the county charter, county ordinances that conflict with municipal ordinances take precedence within the municipality.<sup>6</sup> Ordinances of a non-charter county are not effective within a municipality to the extent of a conflict with municipal ordinances.<sup>7</sup> Among other powers, charter counties may vary the number of county commission board members from the five or seven members mandated by the State Constitution<sup>8</sup> and establish county official salaries independent of the statutes setting compensation for county officials.<sup>9</sup>

Twenty of the 67 counties in Florida have adopted charters.<sup>10</sup>

##### Laws regulating County Official Payment of Travel, Lodging, and Entertainment Expenses

In 1969, the Legislature repealed all special laws and general laws of local application (local laws) enacted prior to July 1, 1969, relating to compensation for county officials.<sup>11</sup> However, the Legislature did not repeal such laws related to payment of travel expenses or extra compensation to the chairs of boards of county commission or district school boards.<sup>12</sup> Absent a special or local law, general law governs the payment of travel expenses.<sup>13</sup>

Section 112.061, F.S., regulates per diem and travel expenses for public officers, employees, and authorized persons. In part, an “authorized person” includes a person other than a public officer or employee, whether or not elected or commissioned, authorized by an agency head to incur travel

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<sup>1</sup> Art. VIII, s. 1(a), Fla. Const.

<sup>2</sup> Art. VIII, s. 1(g), Fla. Const. A county charter must be established pursuant to general or special law and must be adopted, amended, or repealed only upon vote of the electors of the county in a special election called for that purpose. Art. VIII, s. 1(c), Fla. Const.

<sup>3</sup> Art. VIII, s. 1(f), Fla. Const.

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

<sup>5</sup> Art. VIII, s.1 (f), Fla. Const.

<sup>6</sup> Art. VIII, s. 1(g), Fla. Const.

<sup>7</sup> Art. VII, s. 1(f), Fla. Const.

<sup>8</sup> Art. VIII, s. (1)(e), Fla. Const.

<sup>9</sup> S. 145.012, F.S.

<sup>10</sup> See ch. 7, F.S., and Local, Federal & Veterans Affairs Subcommittee, *Local Government Formation Manual 2018-2020*, Appendices B and C, at

<http://www.myfloridahouse.gov/Sections/Documents/loadaddoc.aspx?PublicationType=Committees&CommitteeId=3025&Session=2019&DocumentType=General Publications&FileName=2018-2020 Local Government Formation Manual Final.pdf> (last visited Feb. 11, 2019).

<sup>11</sup> S. 145.131(1), F.S.

<sup>12</sup> S. 145.131(1), F.S.

<sup>13</sup> See s. 112.061(1)(b)2., F.S.

expenses in the performance of official duties.<sup>14</sup> Counties may deviate from the statutory rates, by ordinance, if the deviation is not lower than rates in effect during fiscal year 2005-2006 and if the deviation applies uniformly to all travel by the county.<sup>15</sup>

Covered expenses include mileage or monthly allowances when travelers use privately owned vehicles; per diem; lodging expenses; incidental expenses such as taxi fare, tolls, and storage and parking fees; and any expenses not specifically authorized by s. 112.061, F.S., if approved by the Department of Financial Services.<sup>16</sup> Entertainment expenses are not provided for in s. 112.061, F.S., but are addressed in other sections of law.<sup>17</sup>

### Charlotte County Charter

Charlotte County established a home rule charter in 1986.<sup>18</sup> The charter establishes an elected county commission and appointed county administrator form of government,<sup>19</sup> and sets the number of county commissioners at five.<sup>20</sup> The charter ties commissioner salaries and other compensation to the general law governing non-chartered county commissions,<sup>21</sup> but allows the county commission to set the salary for the county administrator.<sup>22</sup> The charter allows municipal ordinances to control over county ordinances within municipalities with certain exceptions.<sup>23</sup>

### Charlotte County Laws relating to Travel Expenses and Entertainment

Special law governs Charlotte County travel expenses. Charlotte County Commissioners may receive a \$200 monthly allowance for travel expenses incurred while performing their official duties within the county, in addition to other compensation, without the need to itemize or account for their expenses.<sup>24</sup> A 1949 special law also allows county commissioners to receive up to \$25 per month for travel and other expenses within the county while performing their official duties, and actual expenses for authorized travel outside of the county.<sup>25</sup> The county reported spending \$34,500 on travel and per diem for the commission office in fiscal year 2016-17 and adopted a budget expending \$40,100 for fiscal years 2017-18 and 2018-19.<sup>26</sup> The budget does not distinguish payment for in-county and out-of-county expenses.

Special law also authorizes Charlotte County to budget and expend funds, at its discretion, for the entertainment, travel, and lodging of visiting dignitaries or public officials under an authorized

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<sup>14</sup> S. 112.061(2)(e)1., F.S.

<sup>15</sup> S. 112.061(14)(a)1., F.S.

<sup>16</sup> S. 112.061(6)-(8), F.S. Lodging is paid at a single-occupancy rate. S. 112.061(6)(a)2., F.S. Any expense approved by the Department of Financial Services must be reported annually to the Auditor General. S. 112.061(8)(b), F.S.

<sup>17</sup> See e.g., s. 288.1253(2), F.S., allowing the Department of Economic Opportunity to reimburse travel and entertainment expenses to the Governor, Lt. Governor, and Commissioner of Film and Entertainment or staff performing statutory duties of the Office of Film and Entertainment. See also s. 331.3101(1), F.S., allowing Space Florida to advance or reimburse travel and entertainment expenses to business clients, guests, and authorized persons in connection with performing statutory duties and to state officials and employees while accompanying them or when authorized, or, in the case of entertainment expenses, when incurred in the individual's physical presence.

<sup>18</sup> Art. IV, s. 4.3, Charlotte County Charter, <https://www.charlottecountyfl.gov/dept/commissionoffice/Documents/charter.pdf> (last visited Feb. 11, 2019)(hereinafter Charlotte Cnty. Charter).

<sup>19</sup> Art. IV, s. 2.1, Charlotte Cnty. Charter (last visited Feb. 11, 2019).

<sup>20</sup> Art. IV, s. 2.2(A), Charlotte Cnty. Charter (last visited Feb. 11, 2019).

<sup>21</sup> Art. IV, s. 2.2(C), Charlotte Cnty. Charter (last visited Feb. 11, 2019).

<sup>22</sup> Art. IV, s. 2.3(A)3., Charlotte Cnty. Charter (last visited Feb. 11, 2019).

<sup>23</sup> Art. I, s. 1.3, Charlotte Cnty. Charter (last visited Feb. 11, 2019).

<sup>24</sup> Ch. 59-588, s. 1, Laws of Fla.; ch. 63-848, s. 1; Laws of Fla.; ch. 65-1214; Laws of Fla.; ch. 81-357, s. 1, Laws of Fla.

<sup>25</sup> Ch. 25231, s. 2, Laws of Fla. (1949).

<sup>26</sup> Charlotte County BCC, *Adopted Line Item Book 2*, [https://www.charlottecountyfl.gov/transparency/Documents/18-19\\_Adopted\\_Line\\_Item.pdf](https://www.charlottecountyfl.gov/transparency/Documents/18-19_Adopted_Line_Item.pdf) (last visited Feb. 11, 2019).

“entertainment” budget item.<sup>27</sup> The county has not budgeted an “entertainment” item for the past five fiscal years.<sup>28</sup>

### **Effect of the Proposed Changes**

The bill repeals chapters 25231 (1949), 59-588, 63-848, 65-1214, and 81-357, Laws of Fla., removing the authority for Charlotte County Commissioners to pay for county commissioner travel expenses outside of the statutory scheme set forth in s. 112.061, F.S. The bill also repeals chapter 63-1202, Laws of Fla., removing the authority of the board to budget and expend money for entertainment, travel expenses, and lodging of visiting dignitaries and public officials.

The bill provides an effective date of July 1, 2019.

#### **B. SECTION DIRECTORY:**

Section 1. Repeals chapters 25231 (1949), 59-588, 63-848, 63-1202, 65-1214, and 81-357, L.O.F.

Section 2. Provides an effective date of July 1, 2019.

### **II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS**

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? November 13, 2018

WHERE? *The Charlotte Sun*, Charlotte County, Sarasota County, and DeSoto County, Florida

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

### **III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill neither provides authority nor requires rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

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<sup>27</sup> Ch. 63-1202, Laws of Fla.

<sup>28</sup> See Charlotte County BCC, *Adopted Line Item Book* (FY 2016- FY2017 and FY2018- FY2019 Budgets), available at <https://www.charlottecountyfl.gov/transparency/Pages/default.aspx> (last visited Feb. 11, 2019).

#### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On February 6, 2019, the Local, Federal & Veterans Affairs Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment adds ch. 25231, L.O.F. (1949), to the list of laws being repealed in order to repeal all special laws regulating travel expenses for Charlotte County.

This analysis is drafted to the committee substitute as approved by the Local, Federal & Veterans Affairs Subcommittee.

HOUSE OF REPRESENTATIVES

2019 - 2020 LOCAL BILL CERTIFICATION FORM

BILL #: HB 193  
SPONSOR(S): Representative Michael Grant  
RELATING TO: Charlotte County  
[Indicate Area Affected (City, County, or Special District) and Subject]  
NAME OF DELEGATION: Charlotte County Legislative Delegation  
CONTACT PERSON: Jim Browne  
PHONE NO.: (727) 278-5432 E-Mail: jim.browne@myfloridahouse.gov

- I. House local bill policy requires the following steps must occur before a committee or subcommittee of the House considers a local bill:
- (1) The members of the local legislative delegation must certify that the purpose of the bill cannot be accomplished at the local level;
  - (2) The legislative delegation must hold a public hearing in the area affected for the purpose of considering the local bill issue(s);
  - (3) The bill must be approved by a majority of the legislative delegation, or a higher threshold if so required by the rules of the delegation, at the public hearing or at a subsequent delegation meeting; and
  - (4) An Economic Impact Statement for local bills must be prepared at the local level and filed with the Clerk of the House. Under House policy, a local bill will not be considered by a committee or subcommittee without an Economic Impact Statement.

(1) Does the delegation certify the purpose of the bill cannot be accomplished by ordinance of a local governing body without the legal need for a referendum?

YES  NO

Brief Explanation as to why the purpose of the bill cannot be accomplished at the local level:

It is the repeal of existing state statute.

(2) Did the delegation conduct a public hearing on the subject of the bill?

YES  NO

Date hearing held: Thursday, December 6, 2018

Location: Punta Gorda Isles Civic Association, 2001 Shreve Street, Punta Gorda, FL 33950

(3) Was this bill formally approved by a majority of the delegation members?

YES  NO  UNANIMOUSLY APPROVED

(4) Was an Economic Impact Statement prepared at the local level and filed with the Clerk of the House?

YES  NO

II. Article III, Section 10 of the State Constitution prohibits passage of any special act unless notice of intention to seek enactment of the bill has been published as provided by general law (s. 11.02, F. S.) or

*the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.*

Has this constitutional notice requirement been met?

Notice published: YES  NO  DATE November 13, 2018

Where? Charlotte Sun Newspaper County Charlotte County

Referendum in lieu of publication: YES  NO

Date of Referendum

III. Article VII, section 9(b) of the State Constitution prohibits passage of any bill creating a special taxing district, or changing the authorized millage rate for an existing special taxing district, unless the bill subjects the taxing provision to approval by referendum vote of the electors in the area affected.

(1) Does the bill create a special district and authorize the district to impose an ad valorem tax?

YES  NO

(2) Does this bill change the authorized ad valorem millage rate for an existing special district?

YES  NO

If the answer to question (1) or (2) is YES, does the bill require voter approval of the ad valorem tax provision(s)?

YES  NO

Please file this completed, original form with the Clerk of the House.

  
Delegation Chair (Original Signature)

January 22, 2019  
Date

Representative Michael Grant  
Printed Name of Delegation Chair

**HOUSE OF REPRESENTATIVES  
2019 ECONOMIC IMPACT STATEMENT FORM**

*\*Read all instructions carefully.\**

*House local bill policy requires that no local bill will be considered by a committee or a subcommittee without an Economic Impact Statement. This form must be prepared by an individual who is qualified to establish fiscal data and impacts and has personal knowledge of the information given (for example, a chief financial officer of a particular local government). Please file this completed, original form with the Clerk of the House as soon as possible after a bill is filed. Additional pages may be attached as necessary.*

**BILL #:** HB 193  
**SPONSOR(S):** Rep.. Michael Grant  
**RELATING TO:** Charlotte County

[Indicate Area Affected (City, County or Special District) and Subject]

Check if this is a revised Economic Impact Statement

**I. REVENUES:**

These figures are new revenues that would not exist but for the passage of the bill. The term "revenue" contemplates, but is not limited to, taxes, fees and special assessments. For example, license plate fees may be a revenue source. If the bill will add or remove property or individuals from the tax base, include this information as well.

	FY 19-20	FY 20-21
Revenue decrease due to bill:	\$ 0	\$ 0
Revenue increase due to bill:	\$ 0	\$ 0

**II. COST:**

Include all costs, both direct and indirect, including start-up costs. If the bill repeals the existence of a certain entity, state the related costs, such as satisfying liabilities and distributing assets.

Expenditures for Implementation, Administration and Enforcement:

	FY 19-20	FY 20-21
	\$ 0	\$ 0

Please include explanations and calculations regarding how each dollar figure was determined in reaching total cost.

This repealer bill simply removes outdated procedures for reimbursing tavel costs to Commissioners and visiting dignitaries. The bill will have no fiscal impact on Charlotte County because the County does not exercise the authority granted in the outdated special laws that are being repealed. Instead, the County operates in accordance iwth the applicable general law requirements set forth in Chapter 112 and elsewhere in Florida Statutes.



**III. FUNDING SOURCE(S):**

State the specific sources from which funding will be received, for example, license plate fees, state funds, borrowed funds, or special assessments.

If certain funding changes are anticipated to occur beyond the following two fiscal years, explain the change and at what rate taxes, fees or assessments will be collected in those years.

	FY 19-20	FY 20-21
Local:	\$ 0	\$ 0
State:	\$ 0	\$ 0
Federal:	\$ 0	\$ 0

**IV. ECONOMIC IMPACT:**

Potential Advantages:

Include all possible outcomes linked to the bill, such as increased efficiencies, and positive or negative changes to tax revenue. If an act is being repealed or an entity dissolved, include the increased or decreased efficiencies caused thereby.

Include specific figures for anticipated job growth.

1. Advantages to Individuals:

None

2. Advantages to Businesses:

None

3. Advantages to Government:

Removal of these obsolete laws with clarify Charlotte County's internal budgeting authority.

Potential Disadvantages:

Include all possible outcomes linked to the bill, such as inefficiencies, shortages, or market changes anticipated.

Include reduced business opportunities, such as reduced access to capital or training.

State any decreases in tax revenue as a result of the bill.

1. Disadvantages to Individuals:

None

2. Disadvantages to Businesses:

None

3. Disadvantages to Government:

None

**V. DESCRIBE THE POTENTIAL IMPACT OF THE BILL ON PRESENT GOVERNMENTAL SERVICES:**

None

**VI. SPECIFIC DATA USED IN REACHING ESTIMATES:**

Include the type(s) and source(s) of data used, percentages, dollar figures, all assumptions made, history of the industry/issue affected by the bill, and any audits.

Charlotte County staff verified that the County currently utilizes the travel expense reimbursement methodology provided in general law and not the outdated procedures authorized in the special acts being repealed.

**VII. CERTIFICATION BY PREPARER**

I hereby certify I am qualified to establish fiscal data and impacts and have personal knowledge of the information given. I have reviewed all available financial information applicable to the substance of the above-stated local bill and confirm the foregoing Economic Impact Statement is a true and accurate estimate of the economic impact of the bill.

PREPARED BY:   
[Must be signed by Preparer]

Print preparer's name: **Raymond J. Sandrock**

**1/31/19**  
Date

TITLE (such as Executive Director, Actuary, Chief Accountant, or Budget Director):

**County Administrator**

REPRESENTING: **Charlotte County**

PHONE: **(941)743-1391**

E-MAIL ADDRESS: **Raymond.Sandrock@charlottecountyfl.gov**