

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government

The bill will authorize a municipal governing board to hold regular and special meetings outside its jurisdictional boundaries, thereby allowing an exercise of extra territorial power.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

The City of Belleair Beach

The City of Belleair Beach is located in Pinellas County. It was created as a municipal corporation in 1950 pursuant to ch. 165, F.S.¹ Currently, the city has less than 1,700 residents.

Belleair Beach is in the process of demolishing and rebuilding its city hall, and has temporarily moved its administrative offices into a two-bedroom house. The city is a residential community without schools, churches or restaurants, and there are no appropriate meeting facilities within its jurisdictional limits large enough to accommodate regular and special public meeting attendees.² Earlier this year, the city's attorney requested an opinion from the Florida Attorney General as to whether the city council could temporarily locate its chambers for public meetings in an adjacent municipality.³ Based on constitutional and statutory provisions, as well as prior Attorney General opinions, the city was advised that it did not have authority to hold its public meetings outside its boundaries.

Municipal Exercise of Extraterritorial Power/Meetings Held Outside Jurisdictional Boundaries

Section 2(c) of Art. VIII of the State Constitution requires that the exercise of extra-territorial powers by a municipality shall be as provided by general or special law. Section 166.021(3)(a), F.S., provides that a municipal legislative body may adopt legislation concerning any subject matter upon which the 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 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.⁴

¹ Section 165.01, F.S., (1949) provided that "[i]t is lawful for the male and female inhabitants, who are freeholders and registered voters of any hamlet, village or town in this state, not less than twenty-five in number, who shall have the qualifications hereinafter prescribed, to establish for themselves a municipal government with corporate powers and privileges as hereinafter provided."

² Telephone conversation with City Manager Nancy G. McCollum on April 28, 2008.

³ AGO 2008-01.

⁴ Also, see, OAG 75-139.

Effect of Proposed Changes

HB 1087 authorizes the Belleair Beach city council to hold regular and special meetings outside its municipal boundaries at such time and place as it may prescribe by ordinance, resolution or interlocal agreement.

The bill provides an effective date of upon becoming law.

C. SECTION DIRECTORY:

Section 1: Provides authority to hold meetings outside jurisdictional limits of the City of Belleair Beach.

Section 2: Provides an effective date.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 25, 2008

WHERE? The *Gulf Coast Business Review*, a weekly newspaper 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, the bill will have no fiscal effect.

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....,”⁵ there is no statutorily-prescribed location for municipal council meetings. Nonetheless, the requirements of Florida’s Government in the Sunshine Law must be considered in selecting sites for such meetings.

D. STATEMENT OF THE SPONSOR

No sponsor statement received.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

⁵ Section 125.001, F.S.