

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 6075 Required Publication of Local Board Meeting Minutes
SPONSOR(S): Local Administration & Veterans Affairs Subcommittee, Shoaf and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 1564

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration & Veterans Affairs Subcommittee	18 Y, 0 N, As CS	Darden	Miller
2) State Affairs Committee			

SUMMARY ANALYSIS

The Florida Constitution provides every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government and requires that all meetings of any collegial public body of the executive branch of state government or of any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, be open and noticed to the public. The minutes of all public meetings must be promptly recorded and open to public inspection.

Some local governments are subject to special acts requiring publication of the entity's minutes in a newspaper of general circulation in the area where the entity is located.

The bill repeals all special acts concerning the required publication of local board meeting minutes.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Access to Public Records and Meetings

Art. I, s. 24 of the Florida Constitution sets forth the state's public policy regarding access to government records and meetings. This section guarantees every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government and requires that all meetings of any collegial public body of the executive branch of state government or of any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, be open and noticed to the public.

Public policy regarding access to government meetings also is addressed by general law.¹ The "Government in the Sunshine Law" or "Sunshine Law"² requires all meetings 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, must be open to the public at all times.³ The board or commission must provide reasonable notice of all public meetings.⁴ Public meetings may not be held at any location that discriminates on the basis of sex, age, race, creed, color, origin, or economic status or that operates in a manner that unreasonably restricts the public's access to the facility.⁵ Minutes of a public meeting must be promptly recorded and open to public inspection.⁶ Many local governments also provide access to meeting minutes through their website.⁷

The minutes of county commission meetings are recorded by the clerk of the circuit court in the clerk's role as the ex officio clerk of the board of county commissioners, auditor, recorder and custodian of all county funds.⁸ While there are no statutory provisions directing a certain office to record the minutes of city commission or school board meetings, many entities assign those responsibility by charter or resolution.⁹

¹ S. 286.011, F.S.

² Ch. 286, F.S.

³ S. 286.011(1), F.S.

⁴ *Id.*

⁵ S. 286.011(6), F.S.

⁶ S. 286.011(2), F.S.

⁷ See, e.g., *City Agendas/Minutes*, City of Leesburg,

https://www.leesburgflorida.gov/government/city_commission/city_agendas_minutes.php (last accessed Mar. 10, 2021).

⁸ S. 28.12, F.S. See also art. VIII, s. 1(d), Fla. Const.

⁹ See, e.g., Tallahassee, Fla., Charter Part I, s. 44 (creating the office of the city treasurer-clerk). See also *City Clerk*, City of Leesburg, https://www.leesburgflorida.gov/government/departments/city_clerk/ (last accessed Mar. 10, 2021) and Leesburg, Fla. Code of Ordinances, ch. 2, art. V, div. 3, s. 2-191.

Meeting Minutes Special Acts

In addition to recording requirements established by general law, some counties, municipalities, and school districts are subject to special acts requiring publication of the entity's minutes in a newspaper of general circulation in the area where the entity is located. The following local government are subject to such special acts:

Local Government Entity	Chapter Law(s)
Calhoun County and Calhoun County School Board	Ch. 22229 (1943)
Clay County	Ch. 65-1381
Gulf County and Gulf County School Board	Ch. 27578 (1951), Ch. 30785 (1955)
Holmes County and Holmes County School Board	Ch. 23342 (1945), Ch. 61-2269, Ch. 69-1157, Ch. 78-530
City of Leesburg	S. 19 of ch. 9820 (1923), Ch. 70-780
Liberty County and Liberty County School Board	Ch. 22375 (1943), Ch. 57-2060
Wakulla County	Ch. 26296 (1949), Ch. 27967 (1951)
Washington County and Washington County School Board	Ch. 26299 (1949), Ch. 29600 (1953), Ch. 31354 (1955)

Effect of Proposed Changes

The bill repeals all special acts concerning the required publication of local board meeting minutes.

B. SECTION DIRECTORY:

Section 1: Amends ch. 9820 (1923), Laws of Fla., concerning requirements for the City of Leesburg to publish the minutes of meetings in a newspaper of general circulation.

Section 2: Repeals chs. 22229 (1943), 22375 (1943), 23342 (1945), 26296 (1949), 26299 (1949), 27578 (1951), 27967 (1951), 29600 (1953), 30785 (1955), 31354 (1955), 57-2060, 61-2269, 65-1381, 69-1157, 70-780, and 78-530, Laws of Fla., concerning requirements to publish the minutes of meetings of local governing bodies in a newspaper.

Section 3: Provides the bill takes effect upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The bill will reduce local government expenditures to extent the removal of the publication requirement results in local governments no longer publishing meeting minutes in the newspaper.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may reduce revenue for newspapers if local governments cease publishing their meeting minutes.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

Any law that operates universally throughout the state, upon subjects as they exist throughout the state, or uniformly within a permissible classification is a general law, while a local law is one that is one relating to, or designed to operate only in, a specifically indicated part of the State, or one that purports to operate within a classified territory when classification is not permissible or the classification is illegal.¹⁰ This bill repeals a series of local laws. While local laws are often repealed individually by special act,¹¹ a general law may amend or repeal special acts if it does so uniformly across the state.¹²

B. RULE-MAKING AUTHORITY:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 23, 2021, the Local Administration & Veterans Affairs Subcommittee adopted a proposed committee substitute (PCS) and reported the bill favorably as a committee substitute. The PCS removed special acts from the bill that authorized, but did not require, the publication of local board meeting minutes or that had previously been repealed by special act. The PCS also added an special act concerning the publication of local board meeting minutes that had been excluded from the bill as originally filed.

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

¹⁰ *License Acquisitions, LLC v. Debary Real Estate Holdings, LLC*, 155 So. 3d 1137, 1142-43 (Fla. 2014).

¹¹ See e.g., ch. 2016-244, Laws of Fla. (abolishing the Highlands Road and Bridge District).

¹² See e.g. ch. 73-129, s. 1, Laws of Fla., codified as s. 166.021(5), F.S. (converting all existing special acts pertaining exclusively to the power or jurisdiction of a particular municipality, except for certain categories listed in s. 166.021(4), F.S., to ordinances of those municipalities).