



by [Chris Lyon](#)

## Overview of Florida's Local Bill Process and How to Navigate it Successfully

*For special districts and other entities seeking legislation to address a local need, the state's process can be a minefield. This guide provides an overview of the cumbersome local bill process and how to navigate it successfully.*

### What is a Local Bill?

The Florida Constitution recognizes two basic types of laws: general law and special law. Various court decisions over the years have explained the difference between these two types. A general law applies universally through the state, uniformly on specific subjects throughout the state, uniformly within a permissible classification, or relates to a state function or entity. Special laws apply to specific persons, things or within classifications which would be impermissible or illegal for a general law.

Many of Florida's more than 1,700 special districts were created by the Florida Legislature through a special law. Sometimes known as "special acts" or "charters," these special laws are the governing documents for a special district, including such things as the boundaries of the district, its specific powers and governing board structure. As times change, special districts often desire to amend their charters to better serve their residents. To accomplish a charter amendment, a special district must seek a local bill, which, if passed by the Legislature and not vetoed by the Governor, becomes a special law.

### Creating a Local Bill

The local bill process in Florida is much different from the general bill process. The Rules of the Florida House of Representatives require that before a local bill can be filed as a House bill, it must be heard and approved by the local county legislative delegation at a public hearing in the county. The delegation is comprised of all senators and representatives who represent any portion of the county. Each legislative delegation is permitted to have its own rules governing local bills and the rules vary from county to county, so be sure to check on the applicable local delegation rules. Given the January 11<sup>th</sup> start to the 2022 Session, delegations have already begun meeting and will continue to meet through the end of the year.

A request for a local bill may be submitted by any person or entity, such as a special district, to the delegation or to a member of the delegation. A local bill requires only a House sponsor unless it affects more than two counties, in which case it will also require a Senate sponsor. House members are limited to filing seven bills each session but local bills do not count towards this limit. It is the responsibility of



the entity seeking a local bill to draft the substance of the bill. The House Bill Drafting Service will review all bill drafts for technical errors and to ensure the bills comply with the Florida Constitution, Florida Statutes and House Rules.

Proposed local bills often die at the delegation level because the requesting entity failed to garner the support of the delegation members. A special district seeking a local bill should reach out to every member of the delegation to discuss the need for the bill and request support for it.

### **Special Requirements: Advertising the Local Bill**

One aspect of the local bill process that demands close attention to detail is the requirement for advertising. A legal advertisement providing notice of the intent to seek legislation must be placed in a newspaper of general circulation in the area at least 30 days prior to introduction of the bill in the House. The advertisement is generally published after the delegation approves a local bill, and should contain a brief description of the legislation. The entity seeking the local bill is generally required to draft the advertisement and pay the cost of publication. The newspaper should provide an affidavit of proof of publication as evidence to the Legislature that such publication occurred. After 30 days have passed since publication of the advertisement, the bill can be filed in the House. All local bills must be approved for filing with the Clerk of the House no later than noon on the first day of regular session.

Any local bill not properly advertised in advance must be conditioned to become effective only upon approval by a majority vote of the affected electors. By policy, sometimes the House will require the bill be conditioned on a referendum of the affected electors, even though not otherwise legally required. Additionally, a referendum may be required of a local bill if certain subject matter areas are addressed, such as creating or revising ad valorem taxing power.

### **Navigating the Committee Process**

Once a local bill is filed, it will receive a bill number (i.e. House Bill 111) and its committee references. A local bill must pass favorably through all of its committee references in order for the full House to vote on it. Typically, the first committee reference a local bill receives is the House Local Administration and Veterans Affairs Subcommittee. Prior to the bill being considered by the first committee/subcommittee of reference, the delegation chair must submit a Local Bill Certification Form attesting that the bill was approved by the delegation, among other attestations. An Economic Impact Statement must also be submitted, which describes the projected changes in revenues, costs, funding sources and overall economic effects of the bill. This form must be prepared by a local official, such as a special district's chief executive officer or chief financial officer. The first committee/subcommittee of reference is required to confirm that the required notice was published, a referendum (if required) is included in the bill and the required forms have been filed.

Local bills can be amended during the committee process. Before any substantive amendment can be considered by a committee or by the full House, a Local Bill Amendment Form must be provided by the delegation chair to the first committee/subcommittee of reference. This form describes the nature of the amendment, states whether it is consistent with the published notice, states whether it alters the economic impact of the bill and whether the amendment has been approved by the delegation.



## **Proceeding to the House**

After a local bill has passed favorably through all of its committees of reference it proceeds to the House calendar, where it is available to be considered by the full House. Unless a local bill contains an exception to general law, a constitutional issue or has a pending floor amendment, it is placed on the expedited local bill calendar. Voting on the local bill calendar is accomplished by a single roll call vote after each bill is read by title by the House Clerk. Any House member wishing to vote “no” on a local bill, must file a form with the Clerk. A bill can be removed from the local bill calendar by five House members providing notice during consideration of the bill by raising their hands or delivering written notice to the Rules Chair prior to consideration of the bill. A bill removed from the local bill calendar is placed at the end of that day’s special order calendar.

All local bills passed by the House are sent to the Senate for consideration. The Senate considers the local bill calendar in a single vote but separately considers the bills passed by the House that were not on the local bill calendar (i.e. containing an exception to general law). An important Senate rule to consider here is that any senator from the delegation may object to consideration of a local bill. In this case, the bill is removed from consideration and requires a two-thirds vote of the Senate to waive the rules, effectively killing the bill. Because of this rule, it is vital to make sure that all senators from your delegation support or at least do not oppose your local bill.

When a local bill has passed both the House and Senate, it is sent to the Governor for approval. Assuming the bill is sent to the Governor after session ends, the Governor has 15 days to either sign the bill into law, veto the bill or allow it to become law without the Governor’s signature. The bill takes effect on the date specified in the text of the bill.

## **Keys to Successfully Advancing a Local Bill**

As this overview demonstrates, the local bill process is detailed, nuanced and fraught with danger. At each and every turn in the road, there are opportunities to miss a deadline, fail to properly file a form, or neglect to secure essential support from key individuals.

A wise strategy for special districts, counties and other entities seeking to craft a local bill is to enlist the support of advisors who have extensive experience traveling this long and winding road to local bill passage.

The firm of Lewis, Longman & Walker P.A., has years of experience handling local bills and a proven track record of success. Chris Lyon, a shareholder in the firm, is roundly acknowledged as one of the most knowledgeable experts in Florida on the subjects of special districts and local bills. Over the last 17 years, Mr. Lyon has represented a wide variety of special districts and other local governmental entities across the state, helping them successfully pass numerous local bills.

