Structure and Function of Local Government in Florida
FACC, Oct. 17, 2017 - Sarasota
Presenter: Lynn Tipton
FLC University

Federal/State/Local: Powers

• English system brought over to U.S. – 1600's
• U.S. Constitution does not mention local governments – States’ Rights Issue
• Home Rule Concept – early 1900's
• Prior to that: Dillon's Law (all local governments derive power from state)
• Florida Voters Recognized Home Rule in 1968

Florida Constitution

• Counties: Arm of the State
• Municipalities: Cities, Towns and Villages – independent, public corporations (no legal difference with names: citizens select)
• Special Districts: 2 kinds: dependent and independent
• School Districts – same boundaries as counties
Florida History

- 2 Counties created and 2 Cities recognized by Territorial Governor in 1821
- Now have 67 Counties
- Now have 412 municipalities
- Now have 67 school districts
- Now have about 1,600 special districts (500 dependent and 1,100 independent)

Counties in Florida

- Sub-state; only the Legislature can create or change a county’s boundaries
- Counties are mandated to carry out state business on the local level
- Counties may also enact/adopt other programs as desired and able to afford
- Every county has Constitutional Officers and a Board of County Commissioners (BOCC)
- Counties have Home Rule Powers; granted in 1968 Constitutional Revision

Counties, Continued

- Constitutional Officers: Sheriff, Tax Collector, Clerk of the Court, Property Appraiser, Supervisor of Elections
- May appeal budget to Governor and Cabinet (unless county charter says no)
- C.O. and BOCC relations: can be tough
- BOCC range in size from 5 to 13
County Structures - Administration

- Larger population counties are primarily commission-manager (40-plus of 67)
- Two large counties are strong-executive (Miami-Dade and Orange)
- Some smaller counties have no centralized administrator; use Clerk of Court for some supervision and then departments report to BOCC

More on Counties

- Mandated Services: health, roads, storm water, law enforcement, solid waste, public safety, jail, juvenile justice, courts administration – and more
- Optional Services – varies by county; some serve the unincorporated population with water, sewer, airport or other service
- Service delivery overlap w/cities: issues here

Charter Counties

- 1968 Constitution gave voters power to create charter counties; first two in 1971 (Volusia and Sarasota)
- 19 charter counties today, with 2 counties having different chartered governments: Miami-Dade and Duval
- Charter counties gain “proprietary powers” like a municipality and courts have ruled charter counties have municipal powers
- Alachua, Brevard, Broward, Charlotte, Clay, Columbia, Hillsborough, Lee, Leon, Miami-Dade, Orange, Osceola, Palm Beach, Pinellas, Polk, Sarasota, Seminole, Volusia, Wakulla
County Revenues

- Property Tax is largest tax source
- State shared revenues: sales tax, county revenue sharing, Telecommunications Tax
- Gasoline Tax
- Charges for fees, user fees
- Assessments
- MSTU, MSBU – varies across state
- Charter Counties – may levy Utilities Tax in unincorporated area only

Special Districts

- Created in 2 ways: Legislature or by a General Purpose Local Government (City or County)
- If Legislature – Independent (established governing board and funding source)
- If City or County – Dependent upon creating government for funding, governance
- Florida’s “Shadow Government”
- Not a general-purpose local government

Special District Revenue and Structure

- Independent Districts: fees, assessments most common; a few have property tax authority (like water management districts)
- Dependent Districts: city or county that created it determines the funding source (example: CRA can use TIF monies; other options)
- District structure/governance: appointed and elected boards; most have executive director to head administrative functions
School Districts

- 67; same boundaries as counties
- Funded through local taxes (ad valorem) and by state revenues (RLE: required local effort)
- Governed by elected school board (called commissioners) – non-partisan
- Administered by either elected or appointed Superintendent
- Not a general-purpose local government; no Home Rule powers

School District Revenues

- State sets apportionment to district; district must level Required Local Effort (RLE) as property tax
- Averages 40% of most local property tax collections
- Portion of sales tax by local levy - optional
- Capital budget (construction) is separately set; called PECO

Municipalities in Florida

- Cities, towns and villages – no legal difference
  - Independent, Public, Corporation
- 412 today – range in size from 5 to 862,000
- 60% have population of 10,000 or less
- Median for 2016 is 5,711 people
- All municipalities have Home Rule: 1968/1973
More on FL Municipalities

- What do cities do? What their citizens want
- Every city must: Comp Plan and address fire/police services (but not always be the provider)
- Most cities exist for service delivery
- Balance between citizens’ wishes and public needs, and government mandates – the tough task for elected officials

Municipal Revenues

- Property Tax is largest tax source
- Other taxes: Telecommunications Tax, Utility Tax
- State Shared Revenue: Municipal Revenue Sharing (must qualify); portion of sales tax
- Charges for service, user fees: largest portion of city budgets on average (averages half of most city budgets!)
- Assessments

Why Have Cities?

- Created by their citizens to meet their needs – only level of government in FL that YOU choose
- Cities are usually service driven, but are also created for self governance – closest level of government to the people
- 50% of state population resides in a city
How Are Cities Governed?

• All cities have charter, which is voted on by the citizens; establishes powers
• Council or Commission is governing body; members are elected
• Charter must state form of government
• Charter is broad governing document – not the ordinances or specific policies of the city

City Governance

• Four basic forms of city government in Florida: Council-weak mayor; Council-strong mayor; Commission and Council-Manager
• Some city charters have a “hybrid” form
• No 2 charters are alike: no “apples to apples” comparisons
• Term limits; length of terms; size of council – varies greatly!

Forms of City Government in FL

• Council-weak mayor: all same powers
• Council-strong mayor: mayor has powers beyond council’s and may be administrator
• Commission: all elected officials direct departments and are legislators
• Council-Manager: council hires professional manager; council powers are fairly even
Charter Officers

- The Council or Commission; City Attorney; City Clerk; and City Manager are most common
- Some cities have Police Chief, Finance Director, Clerk as charter officers – and some of these positions are elected
- Model City Charter: Good discussion questions from the National Civic League (www.ncl.org) or (800)223-6004 in Denver, CO
- Use the Model for discussion purposes only; DO NOT use its language as possible text (not in accordance with FL laws)

Legislative Responsibilities

- City Councils or Commissions are legislators – they enact the ordinances and resolutions that are in turn implemented by staff.
- State law requires council members to vote unless there is a conflict or exemption – attorney advises the council member
- Only the council can appropriate funds

What Makes FL Cities Unique?

- Most are suburban, not urban
- No legal difference between city, town or village
- Half are 5,700 population or less
- Many are young – incorporated after WW II
- Charters vary greatly – out-of-state influence; lots of unique provisions
- Non-partisan and part-time councils
- Only level of government you can choose
Intergovernmental Concerns

• Legislature tends to lump counties and cities together for resources – unfair
• Most citizens don’t know difference between counties and cities
• Counties, cities and school boards all compete for ad valorem revenue: Legislature’s actions
• Florida’s growth since WW II – Exponential; but slowed in 90s and 00s – now we are growing again…does growth pay its own way?

Open Discussion

• Questions?

Resources

• Counties: www.fl-counties.com
• Schools: www.fsba.org
• CRAs: www.redevelopment.net
• Independent districts: www.fasd.org
• List of independent districts by county: https://dca.deo.myflorida.com/fhcd/sdi/p/OfficialListdeo/totals.cfm
• Cities: www.floridaleagueofcities.com
Contact Me:

• Lynn Tipton
• Director, FLC University
• Orlando office – downtown
• Phone: 407.367-4025
• Email: ltipton@flcities.com