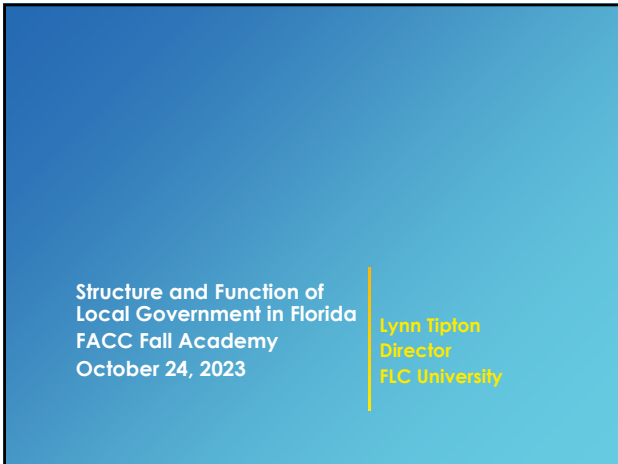
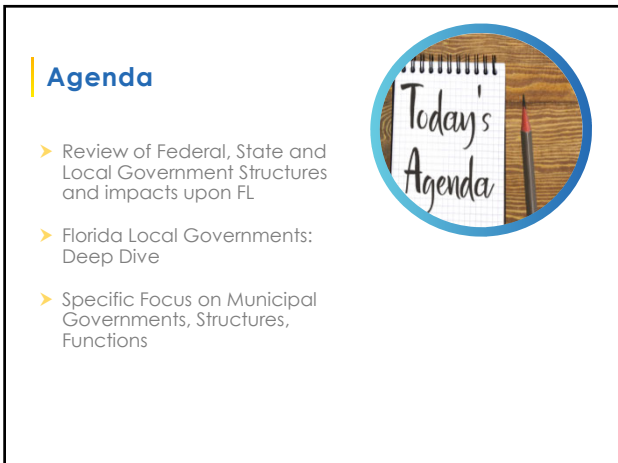




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3

Federal, State and 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 conversations – but not in FL
- Prior to that: Dillon's Law (all local governments derive power from state)
- Florida Voters Authorized Home Rule in 1968

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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

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Florida Local Government History

- 2 Counties created and 2 Cities recognized by Territorial Governor in 1821
- Now have 67 Counties
- Now have 411 municipalities
- Now have 67 school districts
- Now have about 1,600 special districts (500 dependent and 1,100 independent)
- Counties and Municipalities: General Purpose
- School Districts and Special Districts: Special Purpose
- Legislature uses these terms in authorizing powers, responsibilities, or in limitations

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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

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Counties in Florida, 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

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County Structures - Administration

- Larger population counties are primarily commission-manager (45-plus of 67)
- Two large counties are elected-executive (Miami-Dade and Orange) with county mayor
- Some smaller counties have no centralized administrator; use Clerk of Court for some supervision and departments report to BOCC

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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

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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*

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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

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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

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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

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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

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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

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Breakout!

- Each group is random
- Introduce yourselves; explain your current position and tenure in position, and location geographically
- Can you each name the local governments around your municipality?

Challenge: name more than one special district; bonus if both an independent and dependent type can be named!

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Municipalities in Florida

- Cities, towns and villages – no legal difference
- *Independent, Public, Corporation*
- 411 today – range in size from 8 to 987,247
- 60% have population of 10,000 or less
- Median for 2022 is 6,485 people
- All municipalities have Home Rule: 1968/1973

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Notes on Home Rule Powers

- Article VIII, Section 2 of FL Constitution
- Any county or municipality may enact any law, provided law does not conflict with state/federal law
- No fiscal Home Rule; Article VII
- Preemptions and Mandates
- Most valuable authority for counties and cities
- Home Rule Erosion: Biggest threat
- FLC advocacy – Home Rule Heroes
- *Local Decisions, Locally Made* and *Local Voices Making Local Choices*

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More on Municipalities in Florida

- 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

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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

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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
- Exact percentages for 2022: 50.3% municipal; 49.7% unincorporated

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How Are Cities Governed?

- All cities have a charter, voted on by the citizens; establishes powers
- Council or Commission is governing body; members are elected
- Charter usually state form of government or indicates chain of command
- Charter is broad governing document – not the ordinances or specific policies of the city

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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!

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Charter, Laws and Policies

- Charter – voted on by citizens; amended by citizens
- Ordinances – laws voted by council or commission
- Administrative Codes/Policies – adopted by resolution or ordinance; very specific policies to use in daily administration

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Forms of City Government in FL

- Council-weak mayor: all same powers
- Council-strong mayor: mayor has executive and administrative powers beyond council's and is the elected administrator
- Commission: all elected officials direct departments and are legislators
- Council-Manager: council hires professional manager, responsible for administration; council powers are fairly even – mayor can be selected three ways (direct, elected by council or rotational)
- To see the annual report on this: *State of the Cities* on FLC website

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Charter Officers

- The Council or Commission, City Attorney, City Clerk, and City Manager (if that form) are most common
- Some cities have Police Chief, Finance Director as charter officers – and some of these positions are elected
- 13 elected clerks today; 8 elected police chiefs
- *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; and they publish a guide for CRC. DO NOT use its language as possible text (not in accordance with FL laws)

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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 – municipal attorney advises the council member
- Only the council can appropriate funds

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What Makes FL Cities Unique?

- Most are suburban, not urban
- No legal difference between city, town or village
- Half are 6,485 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

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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 late 90s and 00s – now we are fast-growing again...does growth pay its own way?

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Breakout!

- Can you help build an (or improve an existing) orientation tool for a newly elected official or new city employee?
- Talk about orientations for candidates: what materials do each of your cities share during election cycles? What could be improved?
- Can you converse about Home Rule comfortably and be an Ambassador?

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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/scip/OfficialListdeo/otals.cfm>
- Cities: www.floridaleagueofcities.com

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Thank you!
Lynn Tipton
Director, FLC University
407.367.4025
Ltipton@flcities.com

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