

Manatee League of Women Voters Charter Counties in Florida

Virginia “Ginger” Delegal
General Counsel
Florida Association of Counties, Inc.
850/922-4300
gdelegal@fl-counties.com
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Introduction

The strength of free peoples resides in the local community. Local institutions are to liberty what primary schools are to science; they put it within the people's reach; they teach people to appreciate its peaceful enjoyment and accustom them to make use of it. Without local institutions a nation may give itself a free government, but it has not got a spirit of liberty.

~ De Tocqueville

Democracy in America

What is FAC?

- Private, voluntary association
- Not for profit corporation
- All 67 counties are members

Core mission:

FAC helps counties effectively serve and represent Floridians by strengthening and preserving county home rule through advocacy, education and collaboration.



The **W**hat Fours

- What is a charter county?
- What are the differences between a charter and a noncharter county?
- What can be included in a charter?
- What are the steps to become and to change a charter county?

The Basics

- What is a county?
- How is a county different than a city?
- What forms of government are offered to the counties?
- Who are the other county officers?
- Are charter counties different?

What is a county?

- The first two counties, Escambia and St. Johns, were created in 1821
- Provisional government established a county judicial system, appointed county judges, clerks and sheriffs
- Government was administered through the court system by five justices of the peace

What is a county?

- Historically, and elsewhere in the country, a **county** is a political subdivision of the state, established by the state to execute state services and functions at the local level
- Contrast: a **municipality** is a local government that serves its citizens who created it by charter
- Florida counties: tension and overlapping functions with the municipalities, with the rise of home rule
- **Special district**: a local government, created by another level of government, for a specific purpose

What do counties do?

- Traditionally: state mandated duties
 - assessment of property
 - record keeping
 - maintain rural roads
 - administer elections
 - perform judicial functions
- Today: expansion of services
 - public health and welfare
 - consumer protection
 - economic development (growth management)
 - employment and training
 - planning and zoning
 - water quality
 - fire protection
 - emergency management
 - regulatory entity

County Functions Under State Law

- Florida Constitution, among others:
 - Article VII – Taxes
 - Article VIII – Local Government Powers
- Florida Statutes, among others:
 - Section 125.01(1), Fla. Stat.
 - Transportation systems
 - Solid waste disposal
 - Emergency management
 - COPCNs (ambulance)
- Other provisions of state law: program sharing (Medicaid, juvenile justice, court funding)

County Authority

- Florida Constitution
- Florida Statutes: General Laws
- Laws of Florida: Special Acts
- Florida Case Law
- County Charters
- County Ordinances
 - County Resolutions

Forms of County Government

- County commission form
- Commission-county administrator form
- Commission-elected chairman (executive) form

Other County Officers

- Property Appraiser
 - Tax Collector
 - Clerk of the Court
 - Sheriff
 - Supervisor of Elections
- Article VIII, section 1(d), Florida Constitution

What is Home Rule?

- The transfer of certain state powers to local entities in matters of local concern; not complete autonomy
- Offers locals more control over their internal affairs and alleviates the need for state legislation of local concerns
- Ideas are consistent with traditional American ideals of self governance and independence
- Tension: with the state – Unfunded Mandates and Preemption
- Myth busting: noncharter counties have home rule

Charter Counties – Constitutional Authority

“...shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. may enact county ordinances not inconsistent with general law. The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances.”

~Article VIII, section 1(f), Florida Constitution

Non-charter Counties: Constitutional Authority

“...shall have such power of self-government as is provided by general or special law. ...may enact, in a manner prescribed by general law, county ordinances not inconsistent with general or special law, but an ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict.”

~Article VIII, section 1(g), Florida Constitution

Compare Constitutional Language

“Thus, charter counties and non-charter counties apparently start from different poles in their relationships with legislative enactments. Both could, conceivably, be the same depending on the legislation adopted.”

~Talbot “Sandy” D’Alemberte, Official Commentary to the 1968 Constitutional Revisions (see Fla. Stat. Annot.)

County Statutory Powers: Section 125.01, Florida Statutes

The legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power includes, but is not restricted to, the power to: (a) ...(dd)

The enumeration of powers herein shall not be deemed exclusive or restrictive, but shall be deemed to incorporate all implied powers necessary or incident to carrying out such powers enumerated, ...

County Statutory Powers

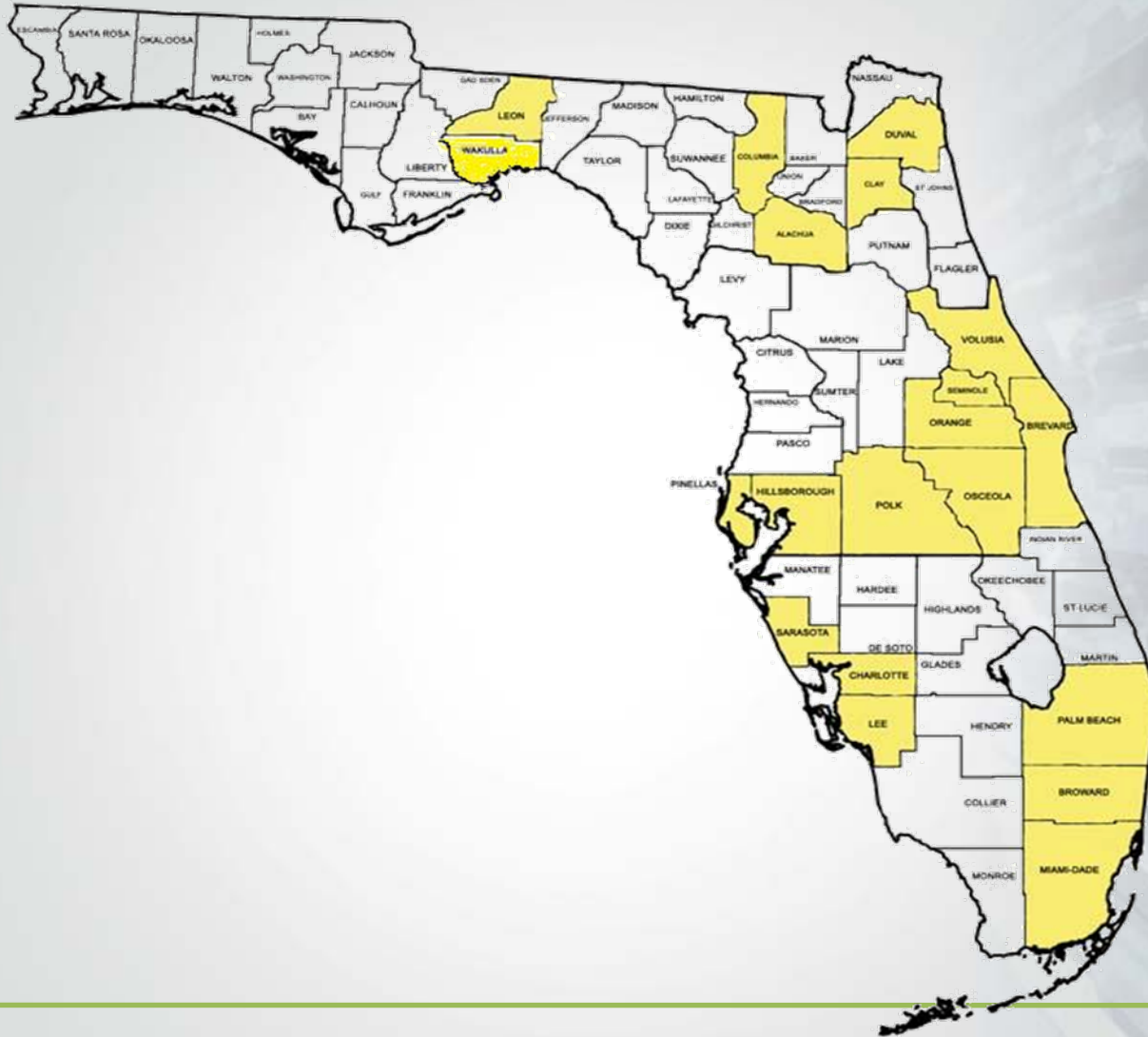
Section 125.01, (con't)....

The provisions of this sections hall be liberally construed in order to effectively carry out the purpose of this section and to secure for the counties the broad exercise of home rule powers authorized by the State Constitution.

What is a charter county?

- A county
- Whose citizens have approved a local charter
- Granting the county government home rule authority directly from the Florida Constitution

Florida's Charter Counties



Dates of Formation

Year	County	Year	County
1957	Miami-Dade	1987	Orange
1968	Duval	1989	Seminole
1971	Sarasota	1991	Clay
1971	Volusia	1992	Osceola
1975	Broward	1994	Brevard
1980	Pinellas	1996	Lee
1983	Hillsborough	1998	Polk
1985	Palm Beach	2002	Columbia
1986	Charlotte	2002	Leon
1987	Alachua	2008	Wakulla

What are the differences?

One overarching principle

A charter provides a local community with the potential for government reform, at the county level. Period.

Charter vs. Non-Charter

- Choose form of government
- Power to tax in unincorporated area
- Power to alter functions of county officers
- Power to have countywide authority
- Special acts must be approved by the electors to have a limiting effect
- Citizen involvement can be increased
- Legislative classification benefits

County Forms of Government – Charter Choices

- Legislative Branch
 - Districting Scheme
 - Election Methodology
 - Salaries of Commissioners
 - Terms of Office
- Executive Branch
 - Appointed professional administrator
 - Elected chairman
 - Elected executive

Power to Tax – Charter Choices

- Public Service Tax
- Communication Services Tax: Higher Rate
- Sales Taxes – Certain Local Options
- Miscellaneous
- Limitation of Power Possible

Other County Officers – Charter Choices

- Status Quo
- Elected Charter Officers
- Appointed Charter Officers

Countywide Authority – Charter Choices

- City ordinance prevails - default
- County ordinance prevails
- County ordinance prevails in specific policy areas
- County ordinance prevails but cities permitted to have more stringent standards

Citizen Participation – Charter Choices

- Ordinances and charter amendments proposed by petition
- Policy Issues
 - By what percentage/distribution of electorate?
 - Excluding which subject areas?
 - Procedure for BoCC action
- Recall

What are the steps for charter formation?

- Charter commission
 - BoCC establishes or
 - Petition process
- Special act
 - Florida Legislature
- Ordinance
 - Advisory committees
- Countywide electorate vote required

Charter Formation

Special Act	Ordinance	Charter Review Comm
Duval	Alachua	Brevard
Pinellas	Hillsborough	Broward
Volusia	Lee	Charlotte
	Leon	Clay
	Orange	Columbia
	Osceola	Miami-Dade
	Palm Beach	Polk
	Seminole	Sarasota
	Wakulla	

What are the steps to change a charter?

- Amendments proposed by:
 - BoCC
 - Citizen Petition
 - Charter Review Commission
- Countywide electorate vote required

Hot Topic Issues

- Ethics Codes
- Term Limits
- Salary Cap Adjustments

Questions

