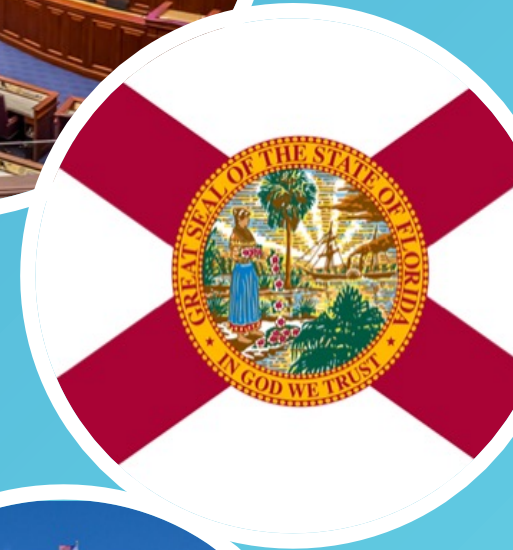# Florida's Government Structure

- State Constitution Establishes 4 local governments: Counties, School Districts, Special Districts and Municipalities

- First three are state-created and non-optional; municipalities are optional

- Counties and Municipalities have Home Rule and are general-purpose; school and special districts are special-purpose only

Local Governments in FL

☑ **Counties:** 67 that are 'sub-states' w/ many mandated programs, and desired services by ordinance

☑ **School Districts:** 67 over K-12 public schools; funding via state Legislature and local levy

☑ **Special Districts:** 1,600 +/- with variety of powers

☑ **Municipalities:** 411 independent, public corporations

☑ *No townships;* no unincorporated municipalities

Municipal Incorporation

- Act of the people with referendum vote; begins with state Legislature's overview and passage of a special act establishing the vote at home

- Feasibility Study: required; contains research, planning and intergovernmental discussions to ensure viability of community prior to city-hood

- Study Timetable: must be filed by end of August ahead of the Legislature's session (either January or March)

Incorporations Since 1980s

- Smallest cities created were Jacob City (Jackson Co.) with 300 in 1983; however, since then no city has been created at less than 3,000

- Largest city incorporated is Miami Gardens at 105,000 – Miami-Dade County goes through different process

- Median Florida city now is 6,485 with 60% at 10,000 or less

Government Lite or Contractual Services Discussion

- Each municipality has the authority to choose service providers: another city, the county, or privatized

- "Gov Lite" nickname applies to those who contract for all or nearly all services: Weston, DeBary, Fort Myers Beach

- Balancing cost, staffing and oversight are part of the policy discussion

Community Incorporation Process

▶ **Support of Delegation** – need both House and Senate member, plus full delegation to support effort for consideration

▶ **Feasibility Study** – can take 6 months; also start city charter and work on draft for first budget

▶ **Special Act** – filed by House and Senate members in fall for Legislature's consideration; if passed & signed by Governor, sets date for vote

▶ **Campaign at home**: education of voters

Feasibility Study "Beginnings"

What boundaries do we want?

- *Cannot include anything already incorporated*

What is our proposed population?

- *Use Census data and County Supervisor of Elections precinct data; also county planning office information*

What is the proposed area's tax base?

- *County Property Appraiser can pull data, make estimates with County Tax Collector's office*

Service Delivery: What Does Area Want?

Is the plan to continue county services within the proposed new city?

- ☑ **Law Enforcement:** can continue with sheriff, or negotiate additional service with sheriff, or have own department

- ☑ **Fire Service:** are you in special fire district? Volunteer? County Service? Or is a municipal program desired?

- ☑ **Comprehensive Plan:** use the county's for up to 2 years while new plan being prepared

The Toughest Parts of the Study

- Determining boundaries – who wants in, out

- Finding commercial properties – this Legislature has not been receptive to residential-only areas

- Determining a fiscal structure – mix of tax, fee, assessments to balance services

- Working in a political environment

Other "How" Steps

▶ Communicating with Citizens – most community organizations set up a website, hold frequent meetings

▶ Paying for Study – if a consultant is used, most communities raise funds via HOA, contributions, and/or set up a political action committee (PAC) to pay for the study and educational campaign

▶ Total timetable – can take 2 years; fastest one about 15 months

The Municipal Charter

▶ Every study must have one; required by Legislature (and all FL cities have one)

▶ Establishes the city, town or village name; sets original boundaries (metes & bounds); establishes legislative body (council or commission); establishes chain of command for fiduciary, fiscal responsibilities

▶ Model City Charter – good reference guide for questions; do not use their 'template language;' order it at: www.ncl.org

▶ Comparisons to other cities – use Municipal Code Corporation at www.municode.com

Legislative Information

▶ House Committee: Local Government Affairs Subcommittee does the analysis; Senate follows House lead on analysis

▶ Chapter 165, Florida Statutes – some elements can be waived at request of the delegation (*distance between cities; population threshold and density*)

▶ House Subcommittee Policy Chief: Eric Miller at 850/717-4890 and eric.miller@myfloridahouse.gov

Pros and Cons

▶ Cities give citizens Home Rule and self-determination over many local services (but not all)

▶ No city is 'free' – all must have taxes and/or fees to pay for the services

▶ Each city is only as 'good' as the people who serve in it

▶ Alternatives to incorporation – work with county on service delivery, land-use, planning, zoning to achieve goals (special district designations; land-use overlays)

Recent Efforts as Resources

- Grant-Valkaria (2006) became a city
- Loxahatchee Groves (2006) became a town
- Poinciana (2013) delegation would not consider
- St. George Island (2013)– delegation would not consider
- Estero (2014) – incorporated as village
- Indiantown (2017) – incorporated as village
- Hobe Sound (2018) – vote failed on ballot

Other Options to Consider

▶ Annexation into a contiguous municipality

▶ Ask County for MSBU: Municipal Services Benefit Unit using assessments for payment (county ordinance)

▶ Ask County for MSTU: Municipal Services Taxing Unit (separate levy of property tax for area to deliver services)

Questions?

Lynn Tipton

Director, FLC University

Florida League of Cities University, Orlando

407/367-4025

Ltipton@flcities.com