

Charter Government Overview

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A Brief History of the (County) Universe

European Origin of County Structure

- France, Germany – Divide country into subdivisions known as “Counts”
- England (9th century) – “Shires”
 - Appointed head of the Shire – the “Shireeff”
 - Shireeff = Keep order; Collect Taxes

Florida History

- 1821 – Territorial Governor Andrew Jackson issues first ordinance:
 - divided State into two counties
 - recognized cities of Pensacola and St. Augustine
 - identified governmental powers and role in delivering state-mandated services
 - provided that five Justices of the Peace would govern each County

Florida History

- 1838 – BCC established by General Assembly
- 1845 – Florida becomes State
- 1861 – Florida Constitution specifically provides for county government
- 1885 – Provisions for counties and cities recognized in separate articles of Constitution. Counties formed, amended or abolished by Legislature; are subdivisions *of the State*. (Cities - subdivisions *in the State*.)

Florida History

- Board of County Commissioners
 - 1868 – Governor appoints all county officers, including “Treasurer” and “Surveyor”
 - 1885 – Commissioners appointed, other county officers elected
 - 1900 – Commissioners elected
 - 1968 - Home Rule authorized

Florida History

- Historically, counties viewed primarily as subdivisions *of the state* Value property & collect taxes, conduct elections, keep records, provide for judicial system, etc.
- Collegial governing body; five other offices that operate independently of the BCC

Florida History

- Higher Service Level or Different Structure?
 - Incorporate as City Government and/or seek Special Act of Legislature
 - Operated under “Dillon’s Rule”

John Dillon –

- Iowa Supreme Court Justice, writer and scholar.
 - "Those best fitted by their intelligence, business experience, capacity and moral character" usually do not hold local office. The conduct of municipal affairs generally was "unwise and extravagant."
 - Clark v. City of Des Moines (1865) - Local governments were creations of the state and, therefore, had only those powers granted by the state.

Florida Constitution 1968 Revisions

Dillon's Rule

replaced by

Home Rule

Dillon's Rule

- A local government has only those powers which are specifically granted by the State.

Home Rule

- A local government has all powers of self-government except those that are specifically prohibited or pre-empted by the State.

Dillon's Rule

- A local government has only those powers which are specifically granted by the State

Home Rule

- A local government has all powers of self government except those that are specifically prohibited or pre-empted by the State

Dillon's Rule

- Look for Authorization. Absent authorization, powerless to act.

Home Rule

- Look for Prohibition. Absent prohibition, empowered to act.

1968 Florida Constitution

Dillon's Rule replaced by Home Rule

- Non-charter counties - all powers of self-government as provided by law (legislatively implemented in 1971-72)
- Charter counties - all powers of self-government not inconsistent with general law or special law approved by vote of the county electorate

Key Provisions

- County charters adopted, amended, repealed only by vote of the electorate
- Charters may provide alternative methods of selecting County Officers and may transfer duties to other positions
- Size, terms, districting schemes of County Commission and Executive Branch may be changed
- Charter counties have all powers not inconsistent with general (or voted special) law; charter must specify if county ordinance prevails over that of a city

Electorate in 19 of 67 Counties Have Adopted Charters

COUNTY	Adopted	Population	# Cities
Alachua	1987	228,607	9
Brevard	1994	494,102	15
Broward	1975	1,669,153	30
Charlotte	1986	148,521	1
Clay	1991	149,901	4
Columbia	2002	58,372	2
Duval	1968	809,394	5
Hillsborough	1983	1,055,617	3
Lee	1996	475,073	5
Leon	2002	248,039	1

Electorate in 19 of 67 Counties Have Adopted Charters

COUNTY	Adopted	Population *	# Cities
Miami-Dade	1957	2,312,478	31
Orange	1986	955,865	13
Osceola	1992	193,355	2
Palm Beach	1985	1,183,197	37
Pinellas	1980	933,994	24
Polk	1998	502,385	17
Sarasota	1971	339,684	4
Seminole	1989	387,626	7
Volusia	1971	459,737	17

** About 80% of Florida's residents live in a charter county.*

Broward vs. Columbia vs. Orange vs. Non-Charter ?

. . . depends upon the language of the Charter
as adopted by the local electorate . . .

Politics ←→ Policy

- All charters reflect history and sentiments of the local community
- All charters embody elements of both “politics” and “policy”

Article VIII – Section 1

County charters adopted, amended or repealed *only* by vote of the electorate -

(c) GOVERNMENT. Pursuant to general or special law, a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.

Charter Proposal/Adoption Process

- Charter must be adopted by Voters
- Presented to voters by:
 1. Part II, Chapter 125 - Charter Commission created by BCC resolution or citizen petition process
 2. Part IV, Chapter 125 - BCC ordinance proposing charter
 3. Special Act of Legislature proposing charter

Wakulla Process

- Ordinance of BCC - Part IV, Chapter 125
 - Three general structures
 1. Elected Chair
 2. Elected Executive
 3. **Commission-Manager**

Discussion Draft

Wakulla Charter