

# **A Quick Civic Review. . . City Government in Florida**

The following article was reprinted from *Quality Cities*, the bi-monthly magazine of the Florida League of Cities, Inc. In addition to providing a quick civic review about city government in Florida, the article addresses the need for civic education in our state and the role city officials can play in this process.

## **Just What is a Florida City?**

In Florida, a city is a municipal government. The founding citizens choose the name, and in doing so, decide whether to call the municipality a city, town or village. There is no legal difference between the three. In other states, the governing structure is often dictated by the Legislature.

A municipal government is a public corporation. The council, or commission, is the board of directors, elected by the stockholders, who are the citizens. The public corporation is formed to provide self-governance and a variety of services. The charter, which is a city's constitution, is written to form the municipality and is similar to articles of incorporation. The charter sets forth the boundaries of the municipality, its form of government, the size of the council and certain governmental processes. In Florida, the Legislature approves the incorporation through a special act, and the charter is approved by the citizens through a referendum.

Besides being a public corporation, however, a municipality is an independent, general-purpose local government. General purpose means there is a wide range of services provided by the entity.

## **City Rights and Privileges**

In Florida, a city is recognized with certain rights and privileges as such a government. The most important of these rights is home rule. The state Constitution recognizes that cities may enact their own ordinances and self-govern – so long as the city's law does not conflict with the state and federal law. This home rule power was repeatedly sought by early Florida city officials. It was placed into the state Constitution in 1968, and later ratified through legislation in 1973. Municipal home rule powers do not extend to fiscal home rule, however, because the state reserves all taxing authority to itself. Cities are not "of" the state, cities in Florida are "in" the state. This is an important distinction between municipal governments and other local governments.

## **Why Cities Are Formed**

Cities are the heart of the social contract. People first lived together for safety. As civilizations were created, people sometimes lived with families, tribes or other communal entities. Scholars often look to Athens in ancient Greece as the first great city, with its democratic involvement of the public in government and its progressive services.

As the centuries passed, safety remained a concern, but people also chose to live near one another for other reasons. Today, when people choose to live near others and to share public infrastructure, such as streets, sidewalks, water and sewer systems and parks, they agree to abide by a set of rules. These rules are known as ordinances, which guide a city's residents.

Living in a city, in Florida, requires choice. As people look for a place to live, many things may affect their decision – such as distance from work, quality of schools, or other things that are important to them and their family. They also agree to become part of the support to this government, to pay their share for utilities and services. In Florida, this often means they agree to pay city property taxes in addition to those they pay to the county and the school district. With self-governance comes responsibility.

## **What Are Florida Cities Like?**

One of the most fascinating things about the municipalities in Florida is the tremendous difference in them. There are 411 municipalities in the state, and no two are alike. Many of them are young; 22 were incorporated between 1990 and 2008. During the decade from 1950 to 1960, more than 100 cities in Florida were incorporated.

More than 8 million Floridians reside in a city, town or village – equaling about 49 percent of the state population. The majority of Floridians – by a small percentage – live in unincorporated county areas. City populations range from 8 (City of Weeki Wachee) to more than 840,000 (City of Jacksonville).

More than two-thirds of the 411 cities are under 10,000 in population. Florida is a state composed of mostly smaller cities, with the median city population at 4,400.

Florida's cities have a suburban flavor, as none are as large or urban as New York, Los Angeles or Chicago. Many of the cities were planned for retirees and do not have a central business area. A few are completely residential. Some grew up around military bases and popular tourist destinations. The fishing and agricultural industries have also caused the creation of coastal cities, towns and villages.

### **Every City is Full Service**

Just as no two city charters are alike, each city's menu of services is also different. A common practice among chambers of commerce and other promotional agencies is to label city and county governments as "full service." This is an unfortunate label because it is hard to define – each city offers those services desired by its own citizenry.

Some Florida cities do not pave every street, have a centralized water or sewage system, or offer police, fire, or parks and recreation services. Some cities offer each one of these services and also offer natural gas or electric utilities. For some cities, the most important service is building code standards and inspections, and planning and zoning. Some of these services are also offered by special districts and counties, and are delivered to citizens both inside and outside of city boundaries. The most important aspect of municipal services is that the services are created to meet the demands of the residents. Each Florida municipality is "full service" to its own citizens because the citizens determine which services will be provided.

### **The Structure of Governments in Florida**

One of the Florida League of Cities' missions, as stated in its strategic plan, is to increase the public's understanding of municipal government in Florida. To do that, we often include information on Florida's overall governmental structure. To truly understand what a city is, it is important to understand the structure of other local governments.

Florida became a state in 1845. Under previous British and Spanish rule, territorial leaders had recognized local and regional governance. Two city charters in particular – St. Augustine and Pensacola – were recognized as municipal governments.

Upon becoming a territory of the United States, two counties were created that split the state into halves. Over time, the number of counties grew as the state sought to provide its services throughout Florida. A county is a sub-state, or arm of the state, and every inch of Florida is within a county. Counties are constitutionally created, and the boundaries can be changed only by the Legislature. Today, Florida has 67 counties – the oldest created in 1821 and the newest in 1925.

The board of county commissioners is the elected body that oversees a county's governance. Counties must carry out constitutionally mandated responsibilities, and those established by the state. The constitutional services of a county are law enforcement and jail administration, tax collection, property appraisal, state court administration and supervision of elections. In addition, counties are charged with road maintenance, public health, solid waste disposal and other environmental responsibilities. Other county services are offered as determined by the elected county officials.

Florida has 67 other units of local government – school districts. These constitutionally created districts share the same geographical boundaries as each county, but the school district is a separate government. School districts have elected boards that govern the day-to-day operations of public education for grades K-12. School districts are a special-purpose local government. Funding is provided through property taxes and state revenues.

Florida has another type of local government, the special district. There are two types of special districts: independent and dependent. Independent districts are created by the Legislature for a

specific purpose, to be provided in a certain area. The funding and governance of each one is set by the Legislature. Examples of independent special districts include water management districts, fire service, inland navigation, ditch maintenance and the like.

Florida also has dependent special districts, which are created by cities and counties. These districts are governed by the city or county elected commission, and derive their authority, funding and support from that government. Examples of dependent special districts include downtown improvement authorities, community redevelopment authorities and special taxing districts.

There are about 600 independent and 300 dependent special districts throughout Florida.





So, cities are not counties, they are not school districts, and they are not special districts. Cities are publicly created, independent governments designed by their citizens, for their citizens. They are the only voluntary level of local government in the Sunshine State. Cities require choice on the part of their residents, and with that choice comes the benefit of grass-roots democracy, true self-governance, and home rule powers.

### **The Need for Civic Education**

Statewide statistics show that 30 percent of Floridians are natives, while 70 percent moved here from somewhere else. This can greatly affect a Floridian's understanding of state and local government in the Sunshine State.

For most people, their civics lessons were given in high school. Upon moving here, there aren't always opportunities for new residents, especially adults who are out of school, to quickly learn how their governments function. City officials can play a great part in helping to educate all Floridians about their governments, and the League wants to help make that happen. Everyone benefits from an informed public!

# Facts on Florida Cities

-  There are 411 cities, towns and villages in Florida. For these lessons, the word city will be used to refer to all these municipal terms. The capital city of Florida is Tallahassee.
-  Pensacola and St. Augustine are Florida's oldest cities; both were chartered in 1822. St. Augustine was settled in 1565 and is the oldest continuously occupied community in U.S. history, having been founded 55 years before Plymouth Rock.
-  The youngest cities in Florida are Cutler Bay, incorporated in 2005; West Park, incorporated in 2005; Grant-Valkaria, incorporated in 2006 and Loxahatchee Groves, incorporated in 2006.
-  There are 7,906,708 Floridians living in incorporated areas. The percentage of Floridians living in incorporated areas is 49 percent.




<b>Florida's Ten Largest Cities</b>			
Jacksonville	852,450	Hialeah	228,528
Miami	395,434	Fort Lauderdale	179,971
Tampa	336,264	Tallahassee	176,429
St. Petersburg	253,369	Cape Coral	164,523
Orlando	228,765	Port St. Lucie	155,315

Source: *The University of Florida Bureau of Economic and Business Research, "Florida Estimates of Population 2007."*

Many cities in Florida have a surprisingly small population. For example, Miami, which is often assumed to be Florida's largest city, is actually much smaller than Jacksonville. This is because the City of Miami is actually part of a Metropolitan Statistical Area (MSA), a large urban area consisting of a central city and several smaller municipalities which are dependent on the central city for jobs, services, shopping and entertainment. The population of the MSA known as Miami, which includes Hialeah, Miami Beach and Coral Gables, is well over 1 million people. Tampa and Orlando are other cities with higher MSA populations.

<b>Florida's Ten Smallest Cities</b>			
Cloud Lake	167	Lazy Lake	41
Otter Creek	147	Lake Buena Vista	23
Bascom	111	Bay Lake	20
Belleair Shore	74	Marineland	10
Indian Creek	59	Weekie Wachee	8

Source: *The University of Florida Bureau of Economic and Business Research, "Florida Estimates of Population 2007."*

-  Florida has 67 counties that were created by the Legislature as an arm of the state to provide state services at the local level.
-  Cities in Florida are created when the Legislature responds to a request from the people living in a local area who want that area to become a city. The people making the request usually do so because they desire to determine their service delivery and to have a voice in governing themselves.
-  Municipal government is the oldest form of local government in Florida. Historically, the idea of a city was brought over from England and Spain through the granting of a charter by the king. The granted charter was a business contract. Today, the charter is a contract with the people to provide governmental services. No municipal government may be created without a proposed charter, and no municipal government may exist without a charter.



According to Florida Statutes, an area should meet the following requirements in order to be eligible for incorporation:

1. It must be compact, contiguous, and amenable to separate municipal government.
2. In a county of less than 50,000 population, it must have a population of at least 1,500 people; in more populous counties, it must have a population of at least 5,000 people.
3. It must have a population density of at least 1.5 persons per acre.
4. Its nearest point must be at least two miles from the boundary of an existing municipality in the county; or an extraordinary natural boundary must exist which requires a separate municipal government.
5. It must have a proposed charter which meets these conditions:
  - a. prescribes the form of government and clearly defines the responsibility for legislative and executive functions, and
  - b. does not restrict the taxing authority granted the city council by the state constitution or general law.

These criterion are considered to be general guidelines only. A failure to meet all of these guidelines does not necessarily preclude the adoption of a special-act charter for incorporation.



Florida Statutes allow for two possible sources of a proposed charter, a group of petitioning citizens or through the assistance of the county commission. Having been proposed by one of these methods, a charter must be adopted by the Legislature through enactment of a special act. This special act creates the municipality as a “municipal corporation,” specifies its official name and recognizes the proposed charter as the charter of the municipal government created by the act.



A city charter is the document that governs and controls a municipality. Laws passed by cities are called ordinances and are not part of the charter. Some of the items usually found in charters include provisions governing or establishing

- incorporation, boundaries, and powers;
- the structure and type of government the city will have;
- administrative organization and function;
- judicial powers and procedures;
- city election procedures and regulations;
- city financial powers; and
- general provisions.



There are four basic forms of municipal government in Florida: council-weak mayor, council-strong mayor, commission and council-manager. (See page 11.) The most common form of city government in Florida today is the council-manager form. A second common form, found in many smaller cities, is the council-weak mayor form.



Income to pay for government services comes from a variety of sources:

- **Property Tax:** real property tax (land, buildings, fixtures on land) and personal property tax (moveable items such as boats, machinery, motor vehicles, stored merchandise)
- **Non-property Tax:** local government half-cent sales tax, local option sales tax, gas taxes, tourist taxes, insurance premium tax, beverage license tax
- **Non-tax Revenue:** charges for services, licenses and permits, intergovernmental revenue (grants from the federal or state government), fines, penalties, and forfeitures.



Municipal government provides many services to the citizens within its jurisdiction. These services fall into several general categories:

- **Public Safety:** police, fire, animal control, building codes, disaster preparation and traffic regulation
- **Public Works:** roads and streets, water and sewer, storm drainage, public buildings, and solid waste collection and disposal
- **Public Utilities:** water works, sewage treatment plants, electric power, and natural gas
- **Planning and Development:** land-use regulations and development of public property such as parks
- **Administration:** includes internal operations, external information services, archival and other record keeping, financial and personnel operations.