
2. County Government Structure in Florida

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A county government's structure refers to the political institutions and processes created by the state to legally operate a county, the formal role and authority of the various county officials who must abide by those processes and operate within those institutions, and the methods used to select those officials. The structure of county government sets the level of independence a county has from the state in making and implementing policy. The structure delineates who is responsible for making policy in a county (the legislative function) and who is responsible for overseeing the implementation of policy (the executive function). The structure also affects how well county residents are represented by their elected county officials, whether or not they are allowed to exercise local direct democracy (voting on initiatives, referenda and recall), the types of services provided by their county, and how efficiently those county services are delivered.

In Florida there are three basic structures affecting county government: charter status; form of government; and districting plan. The first question is whether a county has decided to adopt a charter or not. Florida's 20 charter counties have more freedom in making decisions than the 47 non-charter counties.¹ Charter status also affects the form of county government that can be chosen, the districting plan that can be chosen, and how the form and plan can be changed.

The second structure is the actual form of government used to organize a county. Florida has three options for form of government: the traditional county commission used in some variation by ten counties; the commission-administrator (or manager) used by 54 counties; and the commission-executive used by three counties. Two of the executive counties, Duval and Miami-Dade, have additional unique county structures: consolidated city-county government and federated government respectively.

The third structure is the districting plan used to select county commissioners including the number of commission seats. In Florida, counties use three basic schemes for elections: single member districts in operation in 23 counties; at-large district residency systems employed by 38 counties; and mixed systems found in the other six counties. After a brief review of the evolution of county government structure in the United States and in Florida, this chapter examines each of these three basic county government structures in Florida.

THE EVOLUTION OF COUNTY GOVERNMENT STRUCTURE

All states but Connecticut and Rhode Island have operational county governments, although Alaska calls their county-type government boroughs and Louisiana calls them parishes.² Historically rural county government was the most important type of local government in the southern, Midwestern and western United States (New England relied more heavily on town government). By the early to mid 1800s counties acted as the primary administrative arm of state government in these areas.

TRADITIONAL STRUCTURE OF COUNTY GOVERNMENT

Most counties had a similar government structure—the traditional county commission form of government. Under this form, county residents elected a number of officials to oversee administration of specified state responsibilities (often called “row” officers around the country because the office labels usually occurred in a row on the ballot). County residents might elect a sheriff and judge to maintain public order (and a county coroner for when public order failed), a county clerk to keep public records, and a tax assessor and tax collector to bring in revenue. County residents also elected a board of county commissioners (known by various names in different states) who would, in the limited fashion allowed by the state, both make and implement some additional policies for the county (one of the only types of government in the U.S. that violates the doctrine of separation of powers for the legislative and executive branch). The legal doctrine known as Dillon’s Rule meant that states could (and usually did) treat their local governments, including counties, as “creatures of the state,” heavily regulating their government structures and rarely allowing them to take independent action.³

The historical relationship between Florida and its counties (and cities) unfolded in much the same way.⁴ And so by 1949-1950 in Florida the structure of local government was virtually identical across its 67 counties. Under the traditional commission form of government, the residents of each county elected a county commission (that would select a chairman from its members), county judge, county court clerk, sheriff, tax assessor, tax collector, and registration supervisor.⁵ Florida counties were tightly controlled by the state legislature under the philosophy of Dillon’s Rule. Under this rule, local governments were prevented from doing anything not specifically authorized by state laws. Counties who wanted even small changes in their structure or responsibilities had to petition the legislature to pass a special act—a statute drafted specifically naming a city or county and not applicable to the entire state like a general act. Consequently hundreds of special acts were passed by the Florida legislature each year in a very cumbersome and inefficient process of micromanagement. The flaws in this unwieldy system became more exposed as growth in Florida accelerated by two to three million people a decade in the 1950s and 1960s. Florida’s counties could not take innovative action on the myriad problems caused by massive sustained growth unless specifically authorized to do so by the legislature.⁶

REFORMING THE STRUCTURE OF COUNTY GOVERNMENT

However, as states across the country became more urban in the 20th century, progressive reformers called for change and counties were slowly granted more power and independent responsibility for local governance. Fast growing urban counties began to provide a larger number of services in addition to their traditional responsibilities. Counties began to experience variations of home rule and some counties even began getting charters from their state granting expressed powers of self-government. As expectations for counties grew, many states and communities began to look at changing county government structure to try and provide more professional, efficient and effective service to citizens.⁷ Thus the traditional county commission form of government began to give way to the commission-manager form or even the commission-executive form.

All these trends were evident in Florida by the 1950s as state and local officials and academics began to question the effectiveness of the traditional commission form of county government in fast-growing counties and began to advocate and allow structures with more independence from the state and with more professional administration or stronger political leadership.⁸ Finally in the late 1960s and early 1970s Florida made specific constitutional and legal changes to reform county government structure. The state adopted a new Constitution in 1968.⁹ Article VIII Section 1c of the new Florida Constitution gave counties the option of adopting a charter to establish their government. And under Section 1g charter counties gained significant powers of home rule that allow them to do anything not specifically prohibited by state law. Article VIII also set up a system of government for non-charter counties establishing county officers and commissioners and even providing for a more limited version of home rule for these counties as spelled out by state law. Following up on these constitutional changes and to clarify and overcome

resistance to home rule, state lawmakers passed legislation in 1971 (the County Home Rule Act), 1973 (Municipal Home Rule Powers Act), and 1974 (the County Administration Law and Optional County Charter Law) setting up a code of county powers that expanded home rule for non-charter counties and repealed a number of laws that narrowed county power.¹⁰

While these changes did provide counties with more home rule flexibility, the legislature continues to restrain counties in two major ways.¹¹ First the Florida legislature retains strict control over the revenue sources a county can adopt and caps the level of taxes a county can charge. And second, lawmakers continue to pass unfunded mandates that require counties to take on additional administrative and policy responsibilities without providing money to pay for them. While not providing absolute home rule, the new constitutional provisions and state statutes in Florida have given counties more independence than they once had (although with charter counties still having somewhat more discretion than non-charter counties) and have given counties more choices for structure and form of government.

CHARTER AND NON-CHARTER COUNTIES

One of the most important structural variations for Florida county government is whether or not a county has adopted a charter. Counties that adopt a charter are called charter counties and the ones that have not are called non-charter counties. While reforms to county government in Florida have given all counties more independence, charter counties do differ in significant ways from non-charter counties. As of 2010, 20 counties in the Sunshine State have adopted a charter allowing significant home rule (see Table 2.1). The other 47 counties have not adopted a charter, but could do so following the procedures outlined in the Constitution and state statute.

Table 2.1. Florida’s Charter Counties and the Dates Chartered.

Alachua	1987	Miami-Dade	1957
Brevard	1994	Orange	1986
Broward	1975	Osceola	1992
Charlotte	1986	Palm Beach	1985
Clay	1991	Pinellas	1980
Columbia	2002	Polk	1998
Duval	1967	Sarasota	1971
Hillsborough	1983	Seminole	1989
Lee	1996	Volusia	1971
Leon	2002	Wakulla	2008

Source: Florida Association of Counties.

COUNTY CHARTERS

A county charter is a state grant of authority that sets forth governmental boundaries, powers and functions, structure and organization, methods of finance, and means of electing or appointing local officials. In other words, a charter may be thought of as a type of local government constitution. Figure 3.1 displays the contents of the Orange County Charter, which lays out the general powers of Orange County government, creates the legislative branch (the county commission) and executive branch (an elected mayor and appointed administrator), sets up administrative divisions, a commission and board for planning and zoning and zoning adjustment, grants direct democracy to county residents, and establishes a number of general provisions including the process for amending the charter, the establishment of

Figure 2.1. Orange County Charter.

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ARTICLE I	1
	POWERS OF GOVERNMENT
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	102. Name and boundaries.
	103. General powers of the county.
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	105. Transfer of powers.
	106. Security of the citizens.
	107. Casino gambling.
	108. Division of powers.
	109. Construction.
	110. Severability.
ARTICLE II	5
	LEGISLATIVE BRANCH: BOARD OF COUNTY COMMISSIONERS
	201. Board of County Commissioners.
	202. Commission districts.
	203. Structure of board.
	204. Terms of county commissioners.
	205. Compensation.
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	207. Power and duties.
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	401. General provisions.
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	GENERAL PROVISIONS
	701. Charter amendment by board.
	702. Charter review commission.
	703. County officers.
	704. Conflict of county ordinances with municipal ordinances;
	705. Bonds.
	706. Legal actions involving county.
	707. Code of ethics.
	708. Existing contracts.
	709. Uniform budget procedure.
	710. Effect on special acts.
	711. Home Rule Charter transition.
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ARTICLE VIII	25
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	801. Citizen review board.
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	901. Orange County / City of Orlando Consolidation of Services Study Commission.

Source: Orange County Supervisor of Elections as edited by the author.

county officers (the traditional five found in most Florida counties), and the resolution of conflict between county ordinances and municipal ordinances in the thirteen cities and towns within the border of Orange County.

ADOPTING AND REVISING A CHARTER

Two counties, Miami Dade and Duval, have charters that were originally established by a special act of the legislature followed by a referendum. These charters were “grandfathered” into the 1968 Constitution and have since been significantly revised. Since that time Article VIII, Section 1(c), of the Florida Constitution states that county government may be established by charter but that the charter can only be adopted, revised or repealed by a vote of county residents in a special election.

Chapter 125 of the Florida Statutes spells out the detailed procedures. In brief the county commission must set up a charter commission by resolution or upon receiving a petition from 15% of the county voters. Charter commission members are selected by the county commissioners (or, if a petition specifies, by the legislative delegation). The charter commission must then conduct a comprehensive study of county government and within 18 months of first meeting report back to the county commissioners and present a proposed charter. Three public hearings must be held so that the charter can be revised based on citizens input. The county commission must then set up a special election between 45 and 90 days from date of final proposal and the charter is adopted if a majority of county voters approve.

Once adopted the revision process is governed by the charter. Frequently amendments can be proposed by petition of the county residents, or the board of commissioners or a charter review committee that might be assigned to meet periodically under the terms of the charter. Regardless of how an amendment is proposed, all changes must be approved by the voters in a referendum election. The most common types of proposed changes have to do with duties of local officials, charter review ratification, charter language (usually getting rid of out-of-date language), and financial matters.¹²

CHARTER AND NON-CHARTER COUNTIES

The general underlying difference between charter and non-charter counties is the extent of home rule and freedom from state control. The Florida Constitution states that charter counties “shall have all powers of local self-government not inconsistent with general law...” and that non-charter counties “shall have the power of self-government as is provided by general or special law.” This is a subtle difference but in essence means that charters counties can do what they wish as long as it does not conflict with state law while non-charter counties can only do what state statute allows them to do.

A number of important differences between charter and non-charter counties are displayed in Table 2.2. In addition to more general powers of self-government, charter counties have a structure of government specified in the charter and approved by county residents tailored to meet county needs whereas non-charter counties must use a structure specified in state law and those options could only be changed by the Florida Constitution or legislature. Charter counties can provide direct democracy for their residents while non-charter counties do not. County charters can require an administrative code detailing regulations, policies and procedures while state statutes do not require an administrative code for non-charter counties. Non-charter counties cannot levy a utility tax in the unincorporated areas while a county charter can provide for a “municipal utility tax” to be levied in the unincorporated area. And county ordinances do not apply within municipalities in non-charter counties while a charter can decide which ordinance would prevail in the case of conflict.

Table 2.2. Basic Differences between Charter and Non-Charter Counties.

NON-CHARTER	CHARTER
Structure of county government specified in State Constitution and Florida Statutes. Only amending the State Constitution or state law can change structure.	Structure of county government specified in charter as approved by the electorate. Structure can be tailored by the local electorate to meet the needs of the county.
Counties have powers of self-government as prescribed by the state legislature.	Counties have all powers of self-government unless they are inconsistent with the Constitution or state law.
State statutes do not provide for initiative or referendum, or recall of county officers.	County charter may provide for initiative, referendum and recall at the county level.
State statutes do not require an Administrative Code.	County charter can require an Administrative Code detailing all regulations, policies and procedures.
County cannot levy a utility tax in the unincorporated area.	County charter can provide that a “municipal utility tax” is levied in the unincorporated area.
County ordinance will not apply in a municipality if in conflict with a municipal ordinance.	When there is a conflict between a county ordinance and a municipal ordinance the charter will provide for the resolution.

Source: Florida Association of Counties as supplemented by the author.

THREE FORMS OF COUNTY GOVERNMENT

There are three basic forms of county government in use in Florida. The traditional commission form, the commission-administrator or manager form, and the commission or council-executive form. These forms are also typically found in most counties across the country. The primary difference between these three forms is who is responsible for implementing policy. In the commission form, policy implementation is handled by the board of commissioners. However in the commission-administrator or manager form an administrator or manager appointed by the commission oversees implementation of policy. And in the commission-executive form an elected executive (typically a mayor) oversees policy implementation. In all three forms a board of county commissioners meets and makes policy for the county. In addition, regardless of government form, almost all counties have five other county officers that are popularly elected by county voters. These row officers are called constitutional officers in Florida since their existence at the county level is mandated in Article VIII, Section 1(d), of the state constitution. These constitutional officers perform a variety of administrative duties and policy functions for the state and county.

OPTIONS FOR CHARTER AND NON-CHARTER COUNTIES

Charter and non-charter counties have different options for structure of government. When a county drafts and adopts a charter it can pick the manager form or the executive form as a model and modify substantially based on local needs (and in fact state statute actually gives a third choice to charter counties: the county chair-administrator plan which is not currently in use in the state).¹³ If a charter county wants to change its form of government then it must revise its charter. Non-charter counties may simply stay with their existing commission form of government (with some slight modifications allowed)

or choose the commission-administrator form.¹⁴ If a non-charter county wants to change its form of government it has two options. It may simply choose the county administrator form of government by

Table 2.3. Three Forms of County Government in Florida with Date of Adoption of New Form. (Charter Counties in Italics)

Commission		Administrator or Manager (Terms used interchangeably in Florida)				Executive	
County	Date	Administrator		Manager		(Mayor)	
County	Date	County	Date	County	Date	County	Date
Calhoun	N/A	Baker	1990	<i>Alachua</i>	1987	<i>Duval</i>	1968
Franklin	N/A	<i>Broward</i>	1975	Bay	1987	<i>Miami-Dade</i>	2007
Hamilton*	N/A	<i>Charlotte</i>	1986	Bradford	1993	<i>Orange</i>	1986
Jefferson*	N/A	Citrus	1999	<i>Brevard</i>	1994		
Lafayette	N/A	DeSoto	1987	<i>Clay</i>	1991		
Levy*	N/A	Escambia	1985	Collier	1993		
Liberty	N/A	Flagler	1995	<i>Columbia</i>	2002		
Madison*	N/A	Gadsen	1989	Dixie	?		
Suwannee	N/A	Gilchrist	2004	Glades	1995		
Union	N/A	Gulf	1993	Hardee	2001		
		Hendry	1978	Lake	1990		
		Hernando	1983	<i>Lee</i>	1996		
		Highlands	1991	Nassau	1986		
		<i>Hillsborough</i>	1983	<i>Osceola</i>	1992		
		Holmes	2006	<i>Polk</i>	1998		
		Indian River	1990	<i>Seminole</i>	1989		
		Jackson	1984	<i>Volusia</i>	1971		
		<i>Leon</i>	2002				
		Manatee	1991				
		Marion	1983				
		Martin	1981				
		Monroe	1977				
		Okaloosa	1993				
		Okeechobee	1992				
		<i>Palm Beach</i>	1985				
		Pasco	1974				
		<i>Pinellas</i>	1980				
		Putnam	1990				
		Santa Rosa	1989				
		<i>Sarasota</i>	1971				
		St. Johns	1990				
		St. Lucie	1959				
		Sumter	1983				
		Taylor	2003				
		<i>Wakulla</i>	2008				
		Walton	1984				
		Washington	1991				

Source: Data collected by the author.

Note: Date of adoption for non-charter counties is the year the commission adopted the county administrator law into the county code (dates for Baker and Glades are estimates). For charter counties it is the year of charter adoption (or for Miami-Dade the year of charter revision of form of government).

*These four counties employ a county coordinator who performs some of the duties of an administrator for the commission but have not adopted the county administrator form of government into county code.

passing an ordinance expressly adopting the County Administration law of 1974 (per Ch. 125.70, Florida Statutes) or it can choose to become a charter county and adopt a charter as described above.

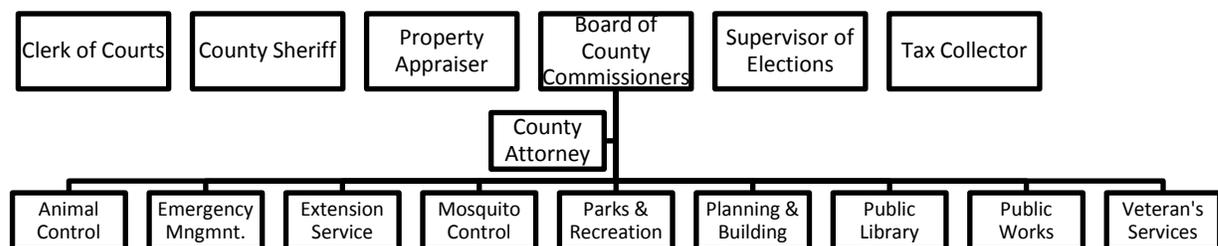
Currently ten Florida non-charter counties still use some variation of the traditional county commission form, 54 counties (both charter and non-charter) employ the county manager or administrator form, and three charter counties have elected to use the executive form (see Table 2.3). Charter counties also have the flexibility of changing how the constitutional officers are chosen and even abolishing the positions as long as the duties assigned by state law to the officers are transferred to another office. Non-charter counties technically have this option as well, but would need to get a special law passed by the legislature first and then approved by county voters.

TRADITIONAL COUNTY COMMISSION FORM

The traditional county commission form of government has been in existence nationally since the late 19th century. It is characterized by two major features: (1) the existence of a plural executive (county constitutional officers plus the board of county commissioners), and (2) a legislative body (the board of county commissioners) that performs both legislative and executive functions. It is a system with splintered executive authority that was born in an era when the public greatly distrusted executive officials (the era of machine politics with its “big bosses” and corrupt local politicians). There is no single person responsible for the administration of county functions. Instead the various county department heads report directly to the board of commissioners. The organizational chart for the county commission system used in Franklin County is shown in Figure 2.2. Since this form of government was designed for a rural population, it is not surprising that all the Florida counties that continue with some variation of this form are smaller counties located in the Florida Panhandle.

And while technically Florida still has 10 non-charter counties that have not adopted the County Administration Law by local ordinance and changed to the commission-administrator form of government, four of these counties (Hamilton, Jefferson, Levy and Madison) have hired a “county coordinator” that performs many of the same duties as a formal county administrator or manager.

Figure 2.2. Traditional Commission Form of Government, Franklin County, Florida.



Source: Franklin County website; organizational chart designed by the author.

CONSTITUTIONAL OFFICERS

The five constitutional officers who are elected county-wide on a partisan ballot with no term limits in all Florida non-charter counties and almost all charter counties include: the clerk of courts, property appraiser, tax collector, supervisor of elections and sheriff. While several charter counties have

made small changes to this arrangement (for instance a non-partisan supervisor of election in Leon or a board of county commissioner auditor in Osceola), only one, Miami-Dade, has made significant alterations. Under their county charter the county officers are appointed and there is no agency called a “sheriff’s” office.¹⁵

Each of the five constitutional officers administers his or her own office, although each must obtain budgets and facilities from the board of commissioners. The sheriff usually submits the largest single budget request, covering countywide law enforcement and the operations of the county jail. It is not uncommon for sheriffs to press their county commissioner for sizable budget increases, more deputies, and larger jails. County commissioners may risk appearing “soft on crime” if they continually oppose the sheriff’s requests. However, if they do and the sheriff believes it is insufficient, under Florida Statutes, the sheriff has the right to appeal the commission’s budget decision to the state Administration Commission (governor and the cabinet).¹⁶

Constitutional officers perform many essential tasks for the state and the county:

- Sheriff: oversees law enforcement, public safety and often corrections for the county.
- Property appraiser: assesses the fair value of all property so that property taxes can be computed.
- Tax collector: receives property tax and other payments for both the county and state.
- Supervisor of elections: registers voters and organizes all elections in the county.
- Clerk of the courts: maintains public records and is clerk to the county commission.¹⁷

DUTIES OF THE BOARD OF COUNTY COMMISSIONERS

Florida law lays out a large number of specific duties for commissioners in non-charter counties. Some of the more important commission duties in Ch. 125.01 of the Florida Statutes include:

- Adopt an annual budget to control county fiscal year expenditures.
- Levy taxes and special assessments; borrow and expend money; issue bonds, revenue certificates and other obligations.
- Adopt county ordinances, resolutions, and rules of procedure, prescribing fines and penalties for violations of ordinances.
- Provide for the prosecution and defense of legal causes on behalf of the county.
- Provide and maintain county buildings.
- Prepare and enforce comprehensive plans for development of the county.
- Establish, coordinate and enforce zoning and business regulations necessary for public protection.
- Place issues on the ballot at any primary, general, or special election.
- Provide services related to the health and welfare of citizens, such as fire protection, parks and recreation, and waste collection/disposal.
- Appoint members to and create Boards, Authorities, Committees and Commissions as required by law.

Commissioners in charter counties are given a shorter list of specific responsibilities because their charters can be modified to add additional responsibilities. Chapter 125.86 of Florida Statutes lists these eight duties:

- Advise and consent to all appointments by the executive for which board confirmation is specified.
- Adopt or enact, in accordance with the procedures provided by general law, ordinances and resolutions it deems necessary and proper for the good governance of the county.
- Appoint a clerk to the board who shall serve at its pleasure and keep the records and minutes of the board.
- Approve the annual operating and capital budgets and any long-term capital or financial program.
- Conduct continuing studies in the operation of county programs and services and take action on programs for improvement of the county and the welfare of its residents.
- Adopt, and amend as necessary, a county administrative code to govern the operation of the county.
- Adopt, pursuant to the provisions of the charter, such ordinances of countywide force and effect as are necessary for the health, safety, and welfare of the residents. It is the specific legislative intent to recognize that a county charter may properly determine that certain governmental areas are more conducive to uniform countywide enforcement and may provide the county government powers in relation to those areas as recognized and as may be amended from time to time by the people of that county.
- All other powers of local self-government not inconsistent with general law as recognized by the Constitution and laws of the state and which have not been limited by the county charter.

COMMISSION MEETINGS

One of the main responsibilities of any county commission in Florida is to meet regularly as a group and make policy. Most county commissions select a Chair and a Vice Chair to help run the meetings (some even select a 2nd or 3rd Vice Chair). The Broward County Commission selects a Mayor and Vice Mayor from the Board, although they are functionally equivalent to Chairs and Vice Chairs and not to be confused with elected mayors wielding executive power. Commission meetings must be announced ahead of time and the agenda for the meeting must be made available ahead of time as well. County residents must be given an opportunity to speak and bring up issues they are concerned about. Minutes must be kept of board actions and made available to the public.

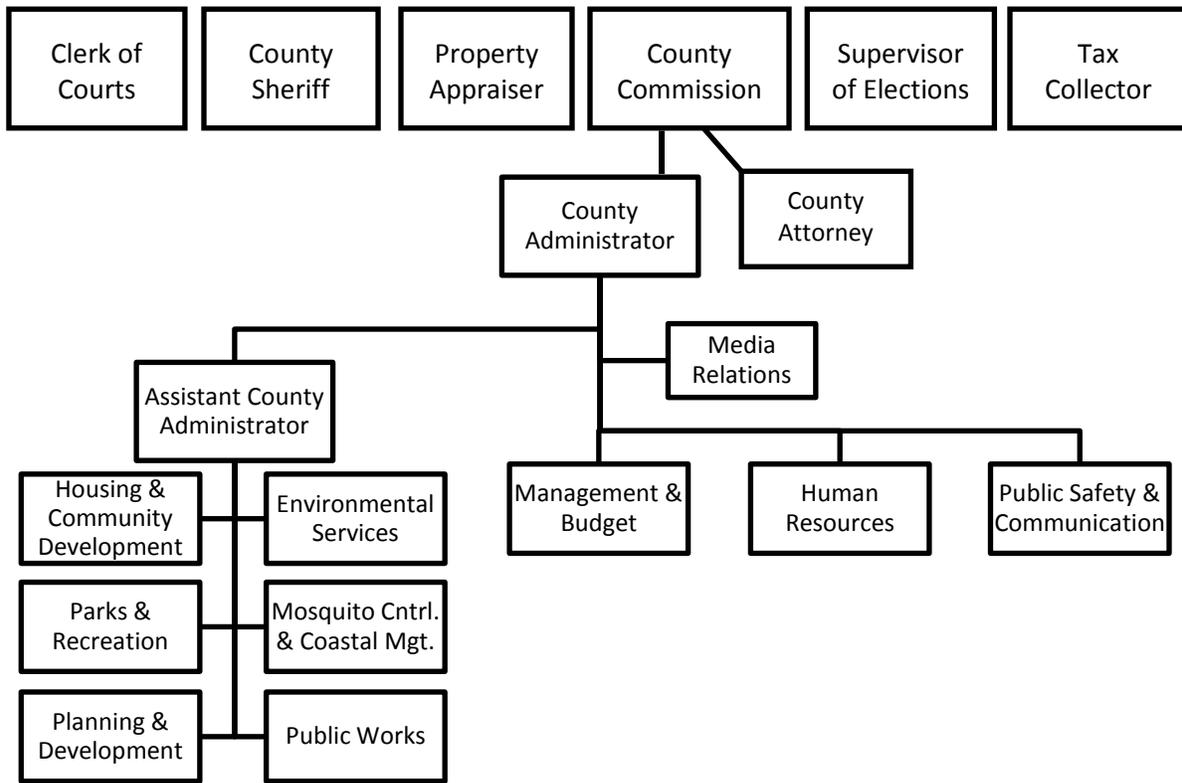
COMMISSION-ADMINISTRATOR OR MANAGER FORM

By far the most popular form of government in Florida today is the commission-administrator or manager form of government. Fifty-four counties have chosen this form of government. All but one of the counties with this form of government adopted it since the reforms of the late 1960s and early 1970s. St. Lucie County, a non-charter county, got a special act of the legislature passed in 1959 granting permission to create a commission-administrator form of government. Figure 2.3 shows the organizational chart for St. Lucie county government.

The key difference between this form and the traditional commission form is the separation of powers between making policy and executing policy. The board of commissioners passes ordinances but hires an administrator or manager to execute the policy and oversee the various departments under the

board’s control. Technically under Florida’s County Administration Law the proper term for the person hired to implement policy and oversee day to day operations in a non-charter county is “administrator.” And technically the proper term for that person in charter counties is “manager” according to the Optional County Charter Law. However, as Table 2.3 shows, the terms are used interchangeably by charter and non-charter counties. So as a practical matter in Florida a commission-administrator form of government is equivalent to a commission-manager form of government.¹⁸

Figure 2.3. Commission-Administrator Form of Government, St. Lucie County, Florida.



Source: St. Lucie County website; organizational chart adapted by the author.

Again, the meaningful difference is between charter and non-charter counties. Regardless of what the person is called, in charter counties the duties are largely governed by the county charter. Specifically Chapter 125.84, Florida Statutes, succinctly says: “The county manager shall be appointed by, and serve at the pleasure of, the board and shall exercise the executive responsibilities assigned by the charter.” Conversely in non-charter counties the duties are largely governed by state law (Chapter 125.74, Florida Statutes) and administrators are legally kept on a fairly short leash: “It is the intent of the Legislature to grant to the county administrator only those powers and duties which are administrative or ministerial in nature and not to delegate any governmental power imbued in the board of county commissioners...” The duties assigned by the legislature include:

- Administer and carry out the directives and policies of the board of county commissioners and enforce all orders, resolutions, ordinances, and regulations of the board to assure that they are faithfully executed.

- Report to the board on action taken pursuant to any directive or policy and provide an annual report to the board.
- Provide the board with data or information concerning county government and advice and recommendations on county government operations.
- Prepare and submit to the board an annual operating budget, a capital budget, and a capital program.
- Establish the schedules and procedures to be followed by all county departments.
- Prepare and submit to the board after the end of each fiscal year a complete report on finances.
- Supervise the care and custody of all county property.
- Recommend to the board a current position classification and pay plan for all county positions.
- Develop, install, and maintain centralized budgeting, personnel, legal, and purchasing procedures.
- Organize the work of county departments and review the departments, administration, and operation of the county and make recommendations pertaining to reorganization by the board.
- Select, employ, and supervise all personnel and fill all vacancies under the jurisdiction of the board. However, the employment of all department heads shall require confirmation by the board.
- Suspend, discharge, or remove any employee under the jurisdiction of the board pursuant to procedures adopted by the board.
- Negotiate leases, contracts, and other agreements for the county, subject to approval of the board.
- See that all terms and conditions in all leases, contracts, and agreements are performed and notify the board of any noted violation thereof.
- Attend all meetings of the board with authority to participate in the discussion of any matter.
- Perform such other duties as may be required by the board of county commissioners.

Statutes make clear that managers and administrators are not to engage in policy making. Instead they must only faithfully execute the decisions made by the commission. Of course, what is on paper is not always the way things work in real life. And so managers and administrators often have great say over what ordinances the county commissioners adopt, what decisions they make, and what budgets they pass. The managers and administrators are full-time employees and have a large information advantage over their commissioners, particularly in small- and medium-sized counties where the commissioners may have other full- or part-time jobs. Managers bring problems to the attention of the board, which allows them to help set the agenda. They also propose budgets and do research on policy problems and so can help steer the board to their desired course of action. Of course, county administrators or managers have a tough and tricky job and they have to be careful not to obviously exceed their authority or anger the commissioners. Because if they do, the same commissions that hire managers or administrators can also fire them!

COMMISSION-EXECUTIVE FORM

Only three charter counties have adopted the commission-executive form of government (technically called the “county executive form” in Florida Statutes): Duval; Miami-Dade; and Orange.

Like the commission-administrator form, the commission-executive form differs from the traditional commission form in that there are separate roles for making policy and implementing policy. However, it differs from the commission-administrator form, as well, because the person responsible for the executive role (the mayor in the case of these three Florida charter counties) is elected by the county voters rather than appointed by the board of commissioners. And unlike an administrator or manager, the mayor in this form of government is expected to help formulate policy. In each of those three counties, the mayor is expected to suggest policy to the board and influence what is actually passed. In Orange County, the elected mayor actually chairs the commission meetings and has an equal vote with the other six commissioners. In Miami-Dade and Duval, the mayors can veto commission actions (subject to override by the commission). And, of course, since the office is elected, the mayor is also expected to politically lead county residents and speak publically and to the press about the direction of local policy and even, on occasion, state and national party politics. These are activities that are strictly forbidden for county managers and administrators and would almost certainly lead to termination.

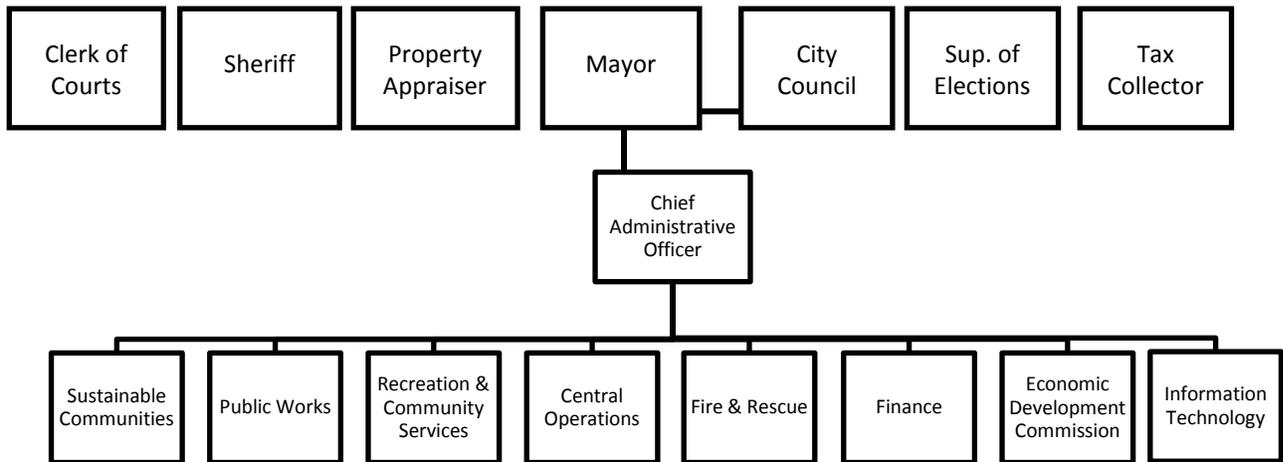
The mayors in all three of these counties are similar to the administrators and managers in one way, however, since the mayor is also legally responsible for the administration of county government and executing the laws that the commission passes. In fact, Chapter 125.85, Florida Statutes, lists twelve specific administrative duties that charter county executives must undertake in addition to whatever else the charter contains (they are not listed separately here as most of them duplicate the administrative functions required of county managers and administrators in state statute). The specific duties and expectations for the mayors beyond the administrative ones required by the state are set out in the charter of each county. Of course all three of these county mayors employ a full time administrator to oversee day to day operations because of the size of their counties and the enormous workload they carry. Of the three charters, Orange County has the one that might be considered the “average” example of a county executive form of government found in other states. The charters of Miami-Dade and Duval each have an interesting and unique twist on county government structure in Florida. Each was designed to help mitigate the problem of metropolitan fragmentation—the existence of many local governments in one region trying to coordinate and offer citizens services efficiently.¹⁹

CONSOLIDATED GOVERNMENT IN JACKSONVILLE/DUVAL COUNTY

The Florida Constitution allows for the merger of local governments, including city-county consolidation, by special legislative act “if approved by vote of the electors of the county, or of the county and municipalities affected.”²⁰ The logic behind consolidation is to ease fragmentation and competition between cities and counties and increase efficiency by creating one local government to replace two or more. Jacksonville and Duval County residents voted to merge in 1967, following allegations of widespread corruption in the city government, a weakening tax base, and deteriorating public schools.²¹ But consolidation proposals have been repeatedly rejected by voters elsewhere in the state.²² Often incumbent officials and public employees fear loss of their positions; racial minorities fear dilution of their power; and other voters fear larger, more expensive, and less responsive government.

Nonetheless, consolidation did replace separate Jacksonville/Duval County governments with one consolidated government. And so the legislative body for the county is called the Jacksonville City Council and the chief executive of the county is called the Mayor of Jacksonville. Figure 2.4 displays the county executive form of government for Jacksonville/Duval County.

Figure 2.4. Council-Executive Form of Government, Jacksonville/Duval County, Florida.



Source: City of Jacksonville website; organizational chart adapted by the author.

FEDERATED GOVERNMENT IN MIAMI-DADE

Another attempt to coordinate service delivery and mitigate the problems of metropolitan fragmentation is the creation of a federated local government. The Florida Constitution established home rule in 1956 and a special federated government was created in Dade County in 1957. (Dade County officially changed its name to Miami-Dade County in 1997). Interestingly, before the voters of Dade county were able to hold a referendum, the entire state got to vote on approval for this new form of government in 1956 as it was proposed as an amendment to the state constitution (subsequently it was carried forward in the new constitution of 1968). Unlike consolidation, federated government sets up a two-tier system of governance (much like the U.S. federal system sets up a structure with national and state governments). The 35 municipalities in Miami-Dade make up the lower tier of government and provide police and fire protection, zoning and code enforcement, and other typical city services paid for by city taxes. The county is the higher tier of government and provides services that are more regional in nature such as emergency management, airport and seaport operations, public housing, health care, transportation, and environmental services, which are funded by county taxes on all incorporated and unincorporated areas.²³ The original charter changed the form of government from the traditional commission form to a county manager form. However, in 2007 the voters of Miami-Dade revised their charter creating the current commission-executive form of government.

ASSESSING FORMS OF GOVERNMENT

All three basic forms of county government can work effectively. However, each is designed for a certain type of county. The primary factor in having a good fit between the county and the form of government is population size. Table 2.4 shows the average population size of the counties that have each form of government. The ten non-charter counties with commission forms of government average a little less than 19,000 people. The 54 counties that have county-manager or administrator forms of government average a little over 260,000. And the three charter counties that have adopted an executive form of government average almost 1.5 million people.

Table 2.4. Form of Government by Average County Population (2009).

Form of Government	Average County Population
Commission	18,969
Manager/Administrator	260,723
Executive	1,493,914

Source: Data collected by author.

There is logic to this self-sorting. The traditional county commission structure was designed for small rural counties with fairly homogenous population. Citizen expectations for services are fairly low and political conflict is rare. County commissioners can handle both making and overseeing policy and many key state functions are handled by the separately elected constitutional officers.

However, as the population grows and becomes more diverse, more political conflict is bound to occur and citizens begin to expect more services. Having the county commission make and implement policy becomes difficult and inefficient—and violates the cherished political doctrine of separation of powers inherent in national and state government. Thus counties begin to gravitate towards the county manager or administrator form of government to allow a professional administrator to oversee day to day operations of county government and allow the commission to focus on making policy.

Finally, as the county grows even larger and more diverse there is a need for political leadership and an elected executive. Political disagreements between diverse factions can best be overcome by strong political leadership, something a manager or administrator is ill-equipped to provide and legally cannot provide. Executive mayors that are forced to campaign, talk to voters, lay out plans for the future, and help work out compromises that various factions can live with help make large urban counties function.

COMMISSION DISTRICT STRUCTURES

There are basically two issues involved when examining the structure of commission districts in Florida: the number of commissioners and type of district. Charter status is the primary determining factor for size, although even non-charter counties have two options. Generally most counties in Florida have five districts although several charter counties (and one non-charter) have larger numbers. Federal civil rights concerns are a significant factor in the type of district that some counties use. The three basic types of districts found in Florida and across the country are: single member districts in operation in 23 counties; at-large district residency systems employed by 38 counties; and mixed systems (a combination of single member and at-large) found in the other six counties (see Table 2.5). The number and type of commission districts for non-charter counties is governed by the Florida Constitution and Chapter 124, Florida Statutes. The charter designates the number of commissioners and type of system in the charter counties.

AT-LARGE, DISTRICT RESIDENCY SYSTEM

Article VIII, section 1(e), of the Florida Constitution requires that county commission districts in all counties be redrawn after each decennial census and be of “contiguous territory as nearly equal in population as practicable.” Additionally it states that non-charter counties will have five or seven commissioners serving four-year staggered terms (so as to keep some experienced members on the commission after each election) and that one member residing in each commission district will be elected as provided by law.

Chapter 124.01, Florida Statutes, sets up an election system called an at-large, district residency system. Specifically, the county is divided into five equally populated, geographically defined districts. A

candidate runs to represent the district he or she lives in (e.g., District 1), but all voters in the county get to vote on who shall represent that district. Thirty-eight counties, including seven charter counties, use this system and have five districts. For non-charter counties it is the default system if they do not choose something different.

SINGLE-MEMBER AND MIXED DISTRICTS

Chapter 124.011, Florida Statutes, gives two more alternatives for non-charter counties: five single-member districts or a seven-member mixed system—both with staggered terms. In either case, for a non-charter county to adopt either of these systems a proposition to do so must be placed before the voters by resolution of the commission or by a petition signed by at least 10% of the county’s registered voters. The single-member district plan is fairly straightforward: “each commissioner shall be nominated and elected only by the qualified electors who reside in the same county commission district as the commissioner.” Twenty-three counties have single-member district elections with four charter and 15 non-charter counties having five members and four charter counties deciding on larger commissions (Orange, 6, Palm Beach, 7, Broward, 9, and Miami-Dade, 13).

Table 2.5. County Commission Elections Districts: Type and Number. (Charter Counties in Italics)

Single Member		At-Large, District Residency				Mixed (Single/At-Large)	
County	#	County	#	County	#	County	#
Bradford	5	<i>Alachua</i>	5	Liberty	5	<i>Duval</i>	19 (14/5)
<i>Brevard</i>	5	Baker	5	Marion	5	<i>Hillsborough</i>	7 (4/3)
<i>Broward</i>	9	Bay	5	Martin	5	<i>Leon</i>	7 (5/2)
Calhoun	5	<i>Charlotte</i>	5	Monroe	5	Manatee	7 (5/2)
<i>Clay</i>	5	Citrus	5	Nassau	5	<i>Pinellas</i>	7 (4/3)
Collier	5	DeSoto	5	Okaloosa	5	<i>Volusia</i>	7 (5/2)
<i>Columbia</i>	5	Dixie	5	Okeechobee	5		
Escambia	5	Flagler	5	Pasco	5		
Franklin	5	Gilchrist	5	<i>Polk</i>	5		
Gadsden	5	Glades	5	Putnam	5		
Gulf	5	Hardee	5	Santa Rosa	5		
Hamilton	5	Hernando	5	<i>Sarasota</i>	5		
Hendry	5	Highlands	5	<i>Seminole</i>	5		
Jackson	5	Holmes	5	St. Johns	5		
Jefferson	5	Indian River	5	St. Lucie	5		
Madison	5	Lafayette	5	Sumter	5		
<i>Miami-Dade</i>	13	Lake	5	<i>Wakulla</i>	5		
<i>Orange*</i>	6	<i>Lee</i>	5	Walton	5		
<i>Osceola</i>	5	Levy	5	Washington	5		
<i>Palm Beach</i>	7						
Suwannee	5						
Taylor	5						
Union	5						

Source: Data collected by the author.

* Orange County actually has 7 voting members on the commission since the executive mayor elected countywide also has a vote.

For the seven-member mixed system, five members are elected from single member districts as just described. The other two run at-large—candidates for these two seats can live in any part of the county and all county electors are eligible to vote in those elections. Manatee County is the only non-

charter county currently using this system, but two charter counties, Leon and Volusia, do as well. Two other charter counties (Hillsborough and Pinellas) also have seven members but have four single members and three at-large. Finally Duval County/Jacksonville uses a mixed system and has the largest commission/council in the state at 19 total members: 14 from single member districts and five elected at-large.

EVALUATING DISTRICTING PLANS

Each of the three types of districting plan has some advantages and disadvantages. At-large district residency plans require commission members to be spread out geographically through the county to ensure that all areas receive representation, but allow all residents to have a vote for all commissioners. Theoretically, at-large elections keep commissioners focusing on the good of the whole county rather than the concerns of one area. However, at-large systems can make it more difficult for minority residents to elect a minority to the commission. If most residents vote along racial or ethnic lines, even a county with 49% minority population may not elect any members to the commission. In fact, a number of Florida counties have been forced to abandon at-large elections and replace them with single member districts because of legal action by the U.S. Justice Department and federal courts enforcing the Voting Rights Act. These include Escambia, Miami-Dade and more recently Osceola. In each case Black or Hispanic residents complained that they were not able to elect minority members to their commission despite having a fairly high percentage of minority residents in the county. In each case the switch to single member districts increased the number of minorities on the commission and gave needed representation to minority groups in the community.

One of the big advantages of single member districts is that they allow for greater diversity and representation on the commission. Single member districts can also lead each commissioner to have a narrow view of issues and lose sight of what is in the best interest of the county as a whole. Thus proponents of mixed systems promote them precisely because they allow some commissioners to bring a countywide perspective to matters before the board of county commissioners but allow other district-based commissioners to represent specific areas of the county.

A REVIEW OF COUNTY GOVERNMENT STRUCTURE IN FLORIDA

Florida county government structure has come a long way since the 1950s. The options provided to the counties by the state have given counties more home rule and flexibility to deal with larger urban populations and citizen demand for increasing county services. There are three main structures that affect all counties in the state: charter status; form of government; and type of commission district.

The first and most important structural question faced by Florida counties is whether or not to adopt a charter. Charter counties have more independence from the state in determining how to set up and operate their county government although even non-charter counties have many more options and much more independence than they used to. It is somewhat surprising that only 20 counties have chosen to become charter counties in the last 40 years. It would not be surprising if more select this option in the coming decades.

Florida counties are using three different forms of government—with all but one county also having five elected constitutional officers. Some smaller counties still use the traditional county commission system that combines the legislative and executive function in the county commission. Only ten counties are still using this system in Florida and four of those are already phasing into a county administrator system by employing a county coordinator to act as an administrator over day to day activities. Over time it is likely that all but two or three of the smallest counties in Florida will eventually

choose to abandon the county commission system. By far the most popular form of government is the county administrator or manager form of government. The vast majority of counties have chosen this system. By separating policy making and policy implementation between the commission and a manager or administrator appointed by the commission, residents get more efficient effective governance.

Just three of the largest counties in Florida have chosen an executive form. This form requires a mayor to be elected. The mayor can then provide political leadership to the county, work with the commission to make policy, execute county decisions, and manage the bureaucracy. Of these three counties, Duval County's consolidation with Jacksonville and Miami-Dade's system of federated government provide two more interesting structures to try and deal with the problem of metropolitan fragmentation in urban areas. Several other large Florida counties will likely consider an executive form of government or consolidation in the future (although consolidation attempts have not fared well in Florida).

Finally, the last structure is number and type of commission district. Almost all non-charter counties have five commission members (although they can have seven and one does). Charter counties can and do have larger commissions with the number determined by the charter. The three types of election districts are available to both charter and non-charter counties alike (although the method of adopting them is somewhat different for each type of county). At-large district residency systems are the most prevalent in Florida and allow commissioners to focus on wider county concerns. However, they also make it more difficult for minorities to win seats on the commission and thus a number of counties have switched (voluntarily or through legal action) to single member districts. Increasing use of single member districts increases diversity of county commissions and allows district concerns to be addressed but also encourages commission members to take a very narrow view of their job. The mixed system that combines single member and at-large districts is perhaps a good compromise that utilizes the best features of each.

NOTES

¹ Current information on the structure of all Florida counties was compiled by the author from a survey of the websites of the Florida Association of Counties, the Municipal Code Corporation, and the 67 individual counties in Florida. Follow up phone calls and e-mails were also made to a number of counties where web-data was unavailable or unclear.

² Terry Christensen and Tom Hogen-Esch, *Local Politics: A Practical Guide to Governing at the Grassroots*, 2nd ed. (Armonk, NY: M.E. Sharpe, 2006), p. 79.

³ This brief history is adapted from "History of County Government Part I" authored by the National Association of Counties, <http://www.naco.org/Counties/Pages/HistoryofCountyGovernmentPartI.aspx> (accessed June 2010).

⁴ For an excellent concise overview of the history and current status of local government in Florida see John Wesley White, "Local Government," in Allen Morris and Joan Perry Morris, eds., *The Florida Handbook, 2007-2008* (Tallahassee: The Peninsular Publishing Company, 2007), pp. 236-245.

⁵ See Allen Morris, *The Florida Handbook, 1949-1950* (Tallahassee: The Peninsular Publishing Company, 1949), pp. 233-235 for a list of Florida County Officers from those years.

⁶ John DeGrove and Robyne Turner "Local Government in Florida: Coping with Massive Sustained Growth," in Robert J. Huckshorn ed., *Government and Politics in Florida* (Gainesville: Florida University Press, 1991), pp. 213-223.

⁷ Thomas R. Dye and Susan A. MacManus, *Politics in States and Communities*, 13th ed. (Upper Saddle River, NJ: Pearson Prentice Hall, 2009), pp. 350-356.

⁸ Robert Benedetti, "Local Government in Florida: An Introduction" in Manning J. Dauer ed., *Florida's Politics and Government* (Gainesville, FL: University Press of Florida, 1980), pp. 192-200.

⁹ See Article VIII, Florida Constitution, online at: <http://www.leg.state.fl.us/Statutes/index.cfm?Mode=Constitution&Submenu=3&Tab=statutes&CFID=75235441&CFTOKEN=10950934#A08>

¹⁰ See Chapter 125, Florida Statutes, online at: http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=Ch0125/tit0125.htm&StatuteYear=2009&Title=%2D%3E2009%2D%3EChapter%20125

¹¹ Frank P. Sherwood, *County Government in Florida*, (Lincoln, NE: iUniverse, 2008) p.9.

¹² Thomas R. Dye, Aubrey Jewett and Susan MacManus, *Politics in Florida* (Tallahassee: Florida Institute of Government Press, 2007), p. 236.

¹³ Chapter 125.84, Florida Statutes, County Charters; Optional Forms.

¹⁴ Chapter 125.70, Florida Statutes, County Administration Law of 1974.

¹⁵ Miami-Dade County is the only county without an elective sheriff or an agency titled "Sheriff's Office." Instead the equivalent agency is known as the Miami-Dade Police Department, and its leader is known as the Metropolitan Sheriff and Director of the Miami-Dade Police Department.

¹⁶ Pursuant to section 129.03, Florida Statutes, on or before June 1 of each year, sheriffs are required to submit a tentative budget to the board of county commissioners for the operation of the sheriff's office for the ensuing fiscal year. Along with the tentative budget, Section 30.49, Florida Statutes, requires the sheriff to submit a sworn certificate that the proposed expenditures are "reasonable and necessary for the proper and efficient operation of the office for the ensuing year." The board of commissioners is to review the budget request and may require changes made as it deems necessary. Section 30.49, Florida Statutes, allows the sheriff, within 30 days, to file an appeal to the Administration Commission regarding the approved budget. The Executive Office of the Governor is required to provide a budget hearing to allow both parties to present their case. Upon the findings and recommendations of the Executive Office of the Governor, the Administration Commission may amend the budget if it finds that any aspect of the budget is unreasonable. The budget as approved, amended or changed by the Administration Commission is final.

¹⁷ The clerk also has some audit and fiscal responsibility over the commission. Charter counties may appoint a different person to be their clerk.

¹⁸ Although in Florida there is little practical distinction between commission-manager and commission-administrator forms of government, this is not the case in all states. Some states, like Georgia, view county administrator as a more constrained position than a county manager which is viewed as more expansive. See Bernard H. Ross and Myron A. Levine, *Urban Politics* 7th ed. (Belmont, CA: Thomson Wadsworth, 2006), pp. 426-427.

¹⁹ G. Ross Stephens and Nelson Wikstrom, *Metropolitan Government and Governance* (New York: Oxford University Press, 2000) pp. 75-81 and 88-95.

²⁰ Article VIII, Section 3, Florida Constitution, "Consolidation"

²¹ For a good description, see James B. Crooks, *Jacksonville: The Consolidation Story, from Civil Rights to the Jaguars* (Gainesville, FL: University Press of Florida, 2004).

²² Areas that have rejected city-county consolidation include Tampa-Hillsborough in 1967, 1970, and 1972; Pensacola-Escambia in 1970; Fort Pierce-St. Lucie in 1972; Tallahassee-Leon in 1973, 1976, and 1993; Gainesville-Alachua in 1975, 1976, and 1990; and Okeechobee City and County in 1979 and 1989.

²³ See <http://www.miamidade.gov/info/government.asp>. For an early look at the establishment of federated government in Miami-Dade see Edward Sofen, *The Miami Metropolitan Experience* (Garden City, NY: Anchor Books, 1966).