

THE LOCAL GOVERNMENT FORMATION MANUAL

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Florida House of Representatives

Local Government & Veterans Affairs Committee

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CHAPTER 1

COUNTY GOVERNMENT

SUMMARY

This chapter discusses the history of county formation in Florida and the constitutional and statutory authority for county establishment. It discusses the changing of county boundaries, and includes a listing of county boundary changes (major and minor) since 1980. The differences between charter and non-charter counties are also discussed. The chapter concludes with a list of charter counties.

HISTORY OF COUNTY FORMATION

Florida's first counties, Escambia and St. Johns, were established July 21, 1821, by the passage of an ordinance by then-provisional Governor Andrew Jackson, who had received possession of Florida from Spain four days earlier.¹ This ordinance established in Florida the American form of government known as the "county," established a county judicial system, and provided for the appointment of county judges, clerks and sheriffs. The government in the two counties was administered through the court system by five justices of the peace.²

Governor Jackson's provisional government was replaced in 1822, by a territorial council consisting of the Governor and 13 presidential appointees. During this same year, the territorial council provided for four more counties. Escambia County encompassed the territory west of the Choctawhatchee River. Jackson County encompassed the territory east of Choctawhatchee River and west of the Suwannee River. Duval County was created by dividing St. Johns County, leaving St. Johns County a smaller territory.³

When Florida entered the Union, it was organized under the State Constitution of 1838, established by the territorial council. The 1838 State Constitution did not provide for counties; however, the General Assembly, consisting of the House and Senate, established boards of county commissioners.⁴ The territorial council governed until Florida became a state in 1845.

The State Constitution of 1861 gave counties constitutional status for the first time. However, it was not until the State Constitution of 1885, that provisions for cities and counties were included in a separate article. Counties were recognized as legal subdivisions of the state and the Legislature was granted the power to create new counties and alter county boundaries. By 1925, county boundaries were fairly fixed and have, with a few minor changes, remained that way. The last county to be formed was Gilchrist County. It was created by special act of the Legislature in 1925, under the provisions of the amended 1885 State Constitution.⁵ The last attempt at creating a new county was in 1965. The

legislative attempt to create Kennedy County out of Dade County failed. The content of the 1965 bill substantively followed the act that created Gilchrist County.

In the history of Florida, only one county has been abolished. Fayette County was created in 1832, and dissolved in 1834. The area known as Fayette was reincorporated into Jackson County. Several counties have changed their names, but still exist in some form. New River County is now Baker and Bradford Counties; Benton County returned to its original designation as Hernando County; Mosquito County is now Orange County; and Dade County is now Miami-Dade County.⁶ Efforts were made to establish three other counties (Call, 1928, Bloxham, 1917, and Hialeah, 1999 & 2000), but none were officially created.⁷

There are currently 67 counties in Florida. Appendix B lists these counties and their date of establishment. Appendix C describes the origins of the names of these counties.

In 1956, an amendment to the 1885 State Constitution authorized Dade County “to adopt, revise and amend from time to time a home rule charter government for Dade County.” The voters of Dade County approved that charter on May 21, 1957.⁸ This was the first evidence that Florida was moving toward recognition of home rule authority for counties. Until this time, local governments had no power to enact local laws (ordinances); the Legislature controlled local laws through the passage of special legislative acts (local bills) directed at specific locales. The 1965 session of the Legislature saw 2,107 local bills introduced.⁹

The authors of the revised State Constitution of 1968, as amended in January 1999, deleted the provisions that allowed counties to be established by constitutional authority and provided simply that counties may be “created, abolished or changed by law, with provision for payment or apportionment of the public debt.”¹⁰ The revised Constitution also allowed for the passage of local ordinances consistent with the idea of “home rule.”

POWERS AND DUTIES OF COUNTIES

Section 1, Article VIII of the State Constitution provides that the state be divided by law into political subdivisions called counties. Counties may be created, abolished or changed by law, with provision for payment or apportionment of the public debt. Pursuant to general law, a county government may establish a charter for its government. This requires a vote of the electors of the county in a special election called for that purpose.

Where there is no charter, the Constitution requires that the governing body of the county be composed of a five or seven member board of county commissioners serving staggered terms of four years. After each decennial census, the board of county commissioners is required to divide the county into

districts of contiguous territory as nearly equal in population as practicable. Commissioners are to be elected by district. Each county is required to have a county seat where the principal offices and permanent records of all county officers are kept.

Section 125.01, Florida Statutes, outlines the powers and duties of counties. It provides that the county commission shall have the power to carry on county government to the extent not inconsistent with general or special law. This authority includes, but is not restricted to, the power to:

- Adopt rules of procedure, select officers, and set the time and place of official meetings.
- Prosecute and defend legal causes on behalf of the county or state, retain counsel, and set compensations.
- Provide and maintain county buildings.
- Provide fire protections.
- Provide hospitals, ambulance service, and health and welfare programs.
- Provide parks, preserves, playgrounds, recreational areas, libraries, museums, historical commissions, and other recreation and cultural facilities and programs.
- Prepare and enforce comprehensive plans for the development of the county.
- Establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public.
- Adopt, by reference or in full, and enforce building, housing, and related technical codes and regulations.
- Establish and administer programs of housing, slum clearance, community redevelopment, conservation, flood and beach erosion control, air pollution control, and navigation and drainage, and cooperate with governmental agencies and private enterprises in the development and operation of such programs.
- Provide and regulate waste and sewage collection and disposal, water and alternative water supplies, and conservation programs.
- Provide and operate air, water, rail, and bus terminals; port facilities and public transportation systems.
- Provide and regulate arterial, toll, and other roads, bridges, tunnel, and related facilities; eliminate grade crossings; regulate the placement of signs, lights, and other structures within the right-of-way limits of the county road system; provide and regulate parking facilities; and develop and enforce plans for the control of traffic and parking.

- License and regulate taxis, jitneys, and limousines for hire, rental cars, and other passenger vehicles for hire that operate in the unincorporated areas of the county.
- Establish and enforce regulations for the sale of alcoholic beverages in the unincorporated areas of the county pursuant to general law.
- Enter into agreements with other governmental agencies within or outside the boundaries of the county for joint performance, or performance by one unit in behalf of the other, of any of either agency's authorized functions.
- Establish, and subsequently merge or abolish municipal service taxing or benefit units for any part or all of the unincorporated area of the county. Services provided may include: fire protection, law enforcement, beach erosion control, recreation service and facilities, water, streets, sidewalks, street lighting, garbage and trash collection and disposal, waste and sewage collection and disposal, drainage, transportation, indigent health care services, mental health care services, and other essential facilities and municipal services.
- Levy and collect taxes: both for county purposes and for the providing of municipal services within any municipal service taxing unit, and special assessments; borrow and expend money; and issue bonds, revenue certificates, and other obligations of indebtedness. This power must be exercised according to general law. A referendum is not required for the levy by a county of ad valorem taxes for county purposes or for the providing of municipal services within any municipal service taxing unit.
- Make investigations of county affairs; inquire into accounts, records, and transactions of any county department, office, or officer; and, for these purposes, require reports from any county officer or employee and the production of official records.
- Adopt ordinances and resolutions necessary for the exercise of its powers and prescribe fines and penalties for the violation of ordinances in accordance with law.
- Create civil service systems and boards.
- Require every county official to annually submit to the legislature and county governing body, at such time as it may specify, a copy of the operating budget for the succeeding fiscal year.
- Employ an independent accounting firm to audit any funds, accounts, and financial records of the county, its agencies, and governmental subdivisions.
- Place questions or propositions on the ballot at any primary, general, or otherwise called special election, with respect to matters of substantial concern, when agreed to by a majority vote of the governing body.

However, no special election may be called for the purpose of conducting a straw ballot.

- Approve or disapprove the issuance of industrial development bonds authorized by law for entities within its geographic jurisdiction.
- Use ad valorem tax revenues for purchase of any or all interests in land for the protection of natural floodplains, marshes, estuaries, wilderness or wildlife management areas; restoration of altered ecosystems; or for preservation of significant archaeological or historic sites.
- Provide for an extra compensation program, including a lump-sum bonus payment program, to reward outstanding employees whose performance exceeds standards, if the program provides that a bonus payment may not be included in an employee's regular base rate of pay and may not be carried forward in subsequent years.
- Enforce and amend the Florida Building code.
- Prohibit businesses other than a county tourism promotion agency from using certain tourism related names.
- Perform any other acts not inconsistent with general law.

The governing body of a county also has the power to establish, and subsequently merge or abolish, dependent special districts that include both incorporated and unincorporated areas. Inclusion of an incorporated area is subject to the approval of the governing body of the affected incorporated area. Municipal services and facilities may be provided from funds derived from service charges, special assessments, or taxes within the district. Ad valorem taxes levied by dependent special districts fall within the county's 10 mill cap.

FORMATION OF NEW COUNTIES

The process for creating a new county hasn't been tested for a number of years. Even though authorized by the State Constitution as revised in 1968, and amended in January 1999, no general law currently exists regarding the creation of new counties. However, chapter 7, Florida Statutes, provides the exact legal description of each county.

Since the boundaries for all 67 Florida counties are established in chapter 7, Florida Statutes, a general act would be required to change any existing county boundary. It is also necessary to include provisions in the general act for the assumption of any indebtedness of the affected area. A general act that contains these provisions seems to be the only requirement necessary under the State Constitution as revised in 1968, and amended in January 1999.

A special act, as was used for the formation of Gilchrist County in 1925, and for the 1965 attempt at creating Kennedy County, does not seem to be necessary for the creation of a new county and may be inappropriate under the State

Constitution of 1968. In addition, a referendum does not seem to be necessary except possibly in a case where an existing charter county is affected.¹¹

Since 1990, several bills have been filed attempting to create a new county. None of these were enacted. The last new county was created in 1925.

LEGISLATIVE COMMITTEE ON INTERGOVERNMENTAL RELATIONS (LCIR) REPORT

As a result of the post-1990 legislative proposals to create a new county, the Legislative Committee on Intergovernmental Relations (LCIR) was asked to develop a template to be used for future attempts at new county formations. The publication, "Formation of Counties in Florida: Factors for Consideration and Related Policy Issues,"¹² adopted February 20, 2001 by the LCIR, identified a set of factors to assist the Legislature in its deliberations over any future formations.¹³ The recommendations address these policy issues to be considered by future Legislatures: 1) establish a county formation review entity and designate the composition of the review entity, 2) identify factors to be addressed in the new county formation review, 3) establish a timeline for the review entity to conclude its study and to establish a format for its recommendations, and 4) designate organizations and agencies to provide technical assistance to the review entity.

- Formation of a review entity – To assist the Legislature in its deliberation, a review entity should be created to review the various factors that the creation of a new county presents. This could be accomplished by enacting legislation creating a formal review commission or in a less formal manner by establishing a joint ad hoc committee, task force, or workgroup by House and Senate leadership or by establishing the review as an interim project for one or more legislative committees.
- Minimum standards – Minimum standards for the creation of new counties should be established. These standards are guidelines to assist Florida residents and Legislators when assessing whether the formation of a new county is financially feasible and reduces the likelihood that the formation will have unanticipated negative consequences.
 - The following standards and related factors should be considered:
 - continued financial stability of the "parent" county (the county or counties from which territory is transferred into the new county);
 - maintenance of equitable, stable, and similar tax base for parent and new county;
 - maintain similarity in essential demographics between parent and new county;

- new county consists of geographically separate and distinct identity from parent county;
 - minimum population size for parent and new county;
 - consider essential urban or rural nature of parent and new county;
 - require charter county formations; and
 - consider referendum provision.
- A formation review study should also be developed that would articulate issues contributing to the formation of a new county and construct a profile of various characteristics the proposed new county would assume. At a minimum, the study should include the following elements:
 - problem identification;
 - proposed 5-year budget;
 - identification of service providers;
 - estimated fiscal impacts to existing local governments including means for equitable distribution of debt, other liabilities, and assets;
 - legal impact on affected special districts;
 - impacts to pre-existing interlocal and intergovernmental agreements, and proposals for the mitigation; and
 - proposed time-line for major events.¹⁴
 - Timeline and content of report - Require that the reviewing entity should be established and members appointed within 60 days of the end of Session. The report should make recommendations on whether the county should be formed, any qualifications, and its reasoning. The report's suggestions and comments could be used to adopt a proposed draft charter. The report could also be used to determine whether a referendum should be held prior to the county's creation.
 - Technical Assistance – The reviewing entity should be assisted by regional and designated local entities to provide assistance upon request.

CHANGES IN COUNTY BOUNDARIES

Adjusting the legal descriptions of one or more counties requires an amendment to general law. Several acts have passed the Legislature that changed existing county boundaries by amending the appropriate section of chapter 7, Florida Statutes. Approximately 31 formal boundary adjustments have been made by the Legislature since 1925.¹⁵

A look at past legislative attempts to alter certain county boundaries reveals that some changes were controversial while others were supported by the affected counties.

CHARTER VS. NON-CHARTER COUNTIES

There are two types of county government in Florida: non-charter government and charter government. Sections 1(f) and (g), Art. VIII of the State Constitution, respectively provide:

Non-Charter Government: Counties not operating under county charters have powers of self-government that are provided by general and/or special law. The board of county commissioners for the non-charter counties may enact, in a manner prescribed by general law, county ordinances that are 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.

Charter Government: Counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The governing body of a county operating under a charter 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.

Constitutional Charter Government: In addition, a special constitutional provision provides unique authorization for a county home rule charter for Miami-Dade County. Section 11, Art. VIII of the State Constitution of 1885, as referenced in section 6(e), Art. VIII of the State Constitution of 1968, as amended January 1999, provides this special authorization that only applies to Miami-Dade County.

Non-charter counties do not have the flexibility, as do charter counties, to establish their form of government. These counties have been granted home rule authority and are governed by general law mostly found in part 1 of chapter 125, Florida Statutes. Non-charter counties must organize their governing body either by the traditional commission form or the commission-administrator form of county government, which may be enacted by county ordinance.

Charter counties may vary the number of members of their governing body, choose county officers in the manner specified in their charters, and abolish any county office when its duties are transferred to another county office. When a

charter county wants to change its basic structure, the changes must be accomplished by charter amendment.

Other differences between charter and non-charter counties concern taxing powers, setting county officials' salaries, basic management systems, and citizen initiatives. Charter counties can levy any tax within its unincorporated area that Florida municipalities can levy. They may tax as a municipality. Non-charter counties do not have this authority.

Charter counties have the authority to establish salaries for their county officials independent of state mandate. The salaries of non-charter county officials are set by chapter 145, Florida Statutes. Charter counties may manage administrative functions under centralized control of the county governing board. Non-charter counties divide the administrative functions individually among the various constitutional officers unless a special law approved by vote of the electors provides otherwise.

STATUTORY PROVISIONS RELATING TO CHARTER COUNTIES

Any county not having a charter form of government may locally initiate and adopt a county home rule charter pursuant to the provisions of sections 125.60-125.64, Florida Statutes. The charter must be adopted by a majority vote of the qualified electors of the county. The creation of a charter county is a multi-step process with specific requirements. The following is a description of these statutory requirements:

CREATION OF A CHARTER COMMISSION

- Following the adoption of a resolution by the board of county commissioners, or upon the submission of a petition to the county commission signed by at least 15 percent of the qualified electors of the county requesting that a charter commission be established, a charter commission may be appointed within 30 days of the adoption of the resolution or of the filing of the petition.
- The charter commission shall be composed of an odd number of not less than 11 or more than 15 members.
- The members of the commission must be appointed by the board of county commissioners of the county or, if so directed in the initiative petition, by the legislative delegation.
- No member of the Legislature or board of county commissioners may be a member of the charter commission. Vacancies are to be filled within 30 days in the same manner as the original appointments.
- Members of the commission receive no compensation but are reimbursed for necessary expenses pursuant to law.

- Expenses of the charter commission are verified by a majority vote of the commission and are forwarded to the board of county commissioners for payment from the general fund of the county.
- The charter commission may employ a staff, consult and retain experts, and purchase, lease, or otherwise provide for such supplies, materials, equipment and facilities, as it deems necessary and desirable.
- The board of county commissioners may accept funds, grants, gifts, and services for the charter commission from the state, the Government of the United States, or other sources, public or private.

DUTIES OF THE CHARTER COMMISSION

- The charter commission is required to conduct a comprehensive study of the operation of county government and of the ways in which the conduct of county government might be improved or reorganized.
- Within 18 months of its initial meeting, unless such time is extended by appropriate resolution of the board of county commissioners, the charter commission is required to present a proposed charter to the board of county commissioners.

DEVELOPMENT OF A CHARTER

- Three public hearings at intervals of not less than 10 nor more than 20 days must be held on the proposed charter. At the final hearing, the charter commission incorporates any amendments it deems desirable, votes upon a proposed charter, and forwards the charter to the board of county commissioners for the holding of a referendum election.

SUBMISSION TO VOTERS

- Immediately after the charter commission submits a charter, the board of county commissioners is required to call a special election to be held not more than 90 nor less than 45 days subsequent to its receipt of the proposed charter to determine whether the proposed charter will be adopted. Notice of the election on the proposed charter is published in a newspaper of general circulation in the county not less than 30 nor more than 45 days before the election.
- If a majority of those voting on the question favor the adoption of the new charter, it becomes effective January 1 of the succeeding year or at such other time as provided by the charter. Such charter, once adopted by the electors, may be amended only by vote of the electors of the county.
- If a majority of the voters disapprove the proposed charter, no new referendum may be held during the next 2 years following the date of such disapproval.

Upon acceptance or rejection of the proposed charter by the qualified electors, the charter commission is dissolved. All property of the charter commission thereupon becomes the property of the county.

CHARTER COUNTIES IN FLORIDA

This list identifies charter counties (or in the case of City of Jacksonville/Duval County, a consolidated city) and the year in which their charters became effective.

<u>BY COUNTY</u>		<u>BY YEAR</u>	
Alachua	1987	Dade*	1957
Brevard	1994	Duval	1967
Broward	1975	Sarasota	1971
Charlotte	1986	Volusia	1971
Clay	1991	Broward	1975
Dade*	1957	Pinellas	1980
Duval	1967	Hillsborough	1983
Hillsborough	1983	Palm Beach	1985
Lee	1996	Charlotte	1986
Leon	2002	Orange	1986
Orange	1986	Alachua	1987
Osceola	1992	Seminole	1989
Palm Beach	1985	Clay	1989
Pinellas	1980	Osceola	1992
Polk	1998	Brevard	1994
Sarasota	1971	Lee	1996
Seminole	1989	Polk	1998
Volusia	1971	Leon	2002

**(Name changed to Miami-Dade in 1997)*

SUGGESTED READING

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FOR FURTHER INFORMATION

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850-488-1791
<http://www.leg.state.fl.us/>

County Demographics and Statistics

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University of Florida
College of Business Administration
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Gainesville, Florida 32611-7145
352-392-0171
<http://www.bebr.ufl.edu/>

Economic and Demographic Research Division
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Florida Legislative Committee on Intergovernmental Relations
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History of the Creation of Florida Counties

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CHAPTER 2

MUNICIPAL GOVERNMENT

SUMMARY

This chapter provides historical information on the origins of municipal government and describes the legal requirements for the creation, dissolution, and merger of municipalities in Florida. It also describes recent municipal formation activity in Florida.

Typically, incorporation efforts are undertaken by a group of citizens, working through their elected state representatives, towards the creation of a new city by the Legislature. Oftentimes, citizens are seeking greater levels of urban services and infrastructure expansion than can be reasonably provided through county government. Municipalities have an advantage in providing urban services by virtue of their traditionally compact and contiguous nature. Municipal citizens must pay ad valorem taxes levied by both municipal and county governments, generally resulting in increased taxes for citizens within a newly created city. The decision to incorporate is one requiring careful consideration by communities to ensure the desired result.

HISTORY

The origins of American municipal government lie in English history. As England emerged from the non-urbanized medieval period, citizens sought authority from the Crown to exercise some control over local affairs. In response, “charters” were granted to groups that empowered them to initiate local improvements and to regulate certain aspects of community life. Eventually, these chartered groups came to be recognized as “municipal corporations,” similar to private, commercial corporations, which were also authorized by the Crown. This pattern for the formation of English municipal governments was extended to the American colonies.¹⁶

In Florida, counties were historically created as subdivisions of the state to carry out the central (i.e. state) government purposes at the local level. Municipalities were created to perform additional functions and provide additional services for the particular benefit of the population within the municipality. Originally, counties provided state services (i.e. courts, tax collection, sheriff functions, health and welfare services) uniformly through the county, while municipalities provided services such as utilities and transportation only within the boundaries described in the municipal charter.¹⁷

During the Spanish era of Florida history, St. Augustine and Pensacola had what appears to have been municipal government. Provisional Governor Andrew

Jackson recognized these cities as governmental entities after receiving possession of Florida from the Spanish in 1821.¹⁸ A territorial council consisting of the Governor and 13 presidential appointees replaced Governor Jackson's provisional government in 1822.¹⁹ This territorial council granted municipal charters for several municipalities including Apalachicola and Key West.²⁰

Municipalities in Florida have historically been created by special act of the Legislature. Under the 1885 State Constitution, municipal authority was limited to that expressly granted by the Legislature. Any reasonable doubt regarding a municipality's right to exercise a power was to be resolved by a court against the municipality. This statement of municipal authority was widely known as "Dillon's Rule" and prevailed generally throughout the United States.²¹ Municipalities had no power to enact local laws (ordinances). All local laws (ordinances) were made through the passage of special legislative acts directed at specific locales. During the 1965 Legislative Session, 2,107 such bills were introduced.²²

The 1968 State Constitution began the process of granting what is referred to as "municipal home rule." With the enactment of chapter 166, Florida Statutes, in 1972, the Legislature granted to municipalities all governmental, corporate, and proprietary powers necessary to enable them to independently function and provide services. The Legislature still must create a municipality through passage of a local bill enacting its charter (with the exception of Miami-Dade County), but subsequent special acts are not required to grant specific powers to conduct municipal government.

Currently, there are approximately 405 municipalities in Florida. Appendix D lists these cities and their date of establishment.

WHAT IS A MUNICIPALITY AND WHAT ARE ITS POWERS?

A municipality is a local government entity that is located within a county that is created to perform additional functions and provide additional services for the particular benefit of the population within the municipality. The term "municipality" can be used interchangeably with the terms "city", "town," and "village".

A municipality is constitutionally and statutorily granted all governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services. A municipality may exercise any power for municipal purposes except as otherwise provided by law. Although a municipality may enact local ordinances to govern municipal affairs, the power to tax can only be granted by general law. Chapter 2003-402, Laws of Florida, amended sections 125.69 and 162.30, Florida Statutes, to provide specific authority for counties and municipalities regarding the prosecution of special laws, county and municipal ordinances.

CONSTITUTIONAL/STATUTORY PROVISIONS

CONSTITUTIONAL PROVISIONS

Section 2, Art. VIII of the State Constitution authorizes the Legislature to establish or abolish municipalities or amend their charters. However, in the case of Miami-Dade County, Section 6, Art. VIII of the State Constitution, by reference to Section 11(e), Art. VIII of the 1885 Constitution, authorizes the Board of County Commissioners to provide a method for establishing new municipalities and prescribe their jurisdiction and powers.

When any municipality is abolished, the State Constitution requires that provisions be made for the protection of its creditors.

The Constitution grants municipalities all governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services. Municipalities may exercise any power for municipal purposes except as otherwise provided by law. The only specific constitutional requirement concerning municipal government is that its legislative body be elected.

STATUTORY PROVISIONS

Formation of Municipalities Act, Chapter 165, Florida Statutes

Florida law governing the formation and dissolution of municipal governments is found in chapter 165, Florida Statutes, the "Formation of Municipalities Act." The stated purpose of the Act is to provide standards, direction, and procedures for the incorporation, merger, and dissolution of municipalities, and to achieve the following goals:

- Orderly patterns of growth and land use;
- Adequate public services;
- Financial integrity in government;
- Equity in fiscal capacity; and
- Fair cost distribution for municipal services.

Municipal Home Rule Powers Act, Chapter 166, Florida Statutes

This act grants a municipality governmental, corporate, and proprietary power in order for them to conduct municipal government, functions and services, and exercise any power for municipal purposes, except when expressly prohibited by law. However, a municipality is not authorized to change special law or a municipal charter without approval by referendum if the change affects (a) the exercise of extraterritorial powers, an area which includes lands within and without a municipality, (b) the creation or existence of a municipality, (c) the

terms of elected officers and their manner of election except for the election of election dates and qualifying periods for candidates and for changes in terms necessitated by change in election dates, (d) the distribution of powers among elected officers, (e) matters prescribed by charter relating to appointive boards, (f) any change in form of government, and (g) any rights of municipal employees.

Special Acts and Municipal Incorporation

Under chapter 165, Florida Statutes, there is only one way to establish a city government where no such government existed before: the Legislature must pass a local bill creating the city's charter. The exception to this is creating a city in Miami-Dade County. It appears as though Miami-Dade County has the exclusive power to create cities in Miami-Dade County through its home rule powers.

A special act is a law passed by both houses of the Legislature that applies to a limited geographic area. For incorporation purposes, the special act must include a proposed municipal charter that prescribes the form of government and clearly defines the legislative and executive functions of city government. It cannot prohibit or limit tax levies authorized by law.

Special acts must meet requirement of Section 10, Art. III of the State Constitution, which requires that notice of intent to file a special act be either published in a local newspaper or conditioned to become effective only on approval by area electors. If notice by publication is the preferred method, section 11.02, Florida Statutes, specifies that the publication of notice occur one time, at least 30 days prior to bill introduction.

It is the policy of the House Committee on Local Government & Veterans Affairs that no bill be considered by the Committee without an original Economic Impact Statement and a Local Bill Certification form.²³ The Economic Impact Statement should assess the cost of implementation, state who will bear such cost, and identify who will benefit from the passage of the special act. The Local Bill Certification form is a form that certifies that the bill cannot be accomplished locally, a public hearing has been held, all statutory and constitutional requirements have been met, and a majority of the local Legislative Delegation approves the bill.

REQUIREMENT AND STANDARDS FOR MUNICIPAL INCORPORATION

Submittal of a feasibility study and a local bill that proposes the local government charter is required. In addition, the statutes provide standards for incorporation. These standards require that the area to be incorporated:

- Be incorporated be compact, contiguous, and amenable to separate municipal government.
- Have a total population, as determined in the latest official state census, special census, or estimate of population, of at least 1,500 persons in

counties with a population of less than 75, 000, and of at least 5,000 population in counties with a population of more than 75,000.

- Have an average population density of at least 1.5 persons per acre or have extraordinary conditions requiring the establishment of a municipal corporation with less existing density.
- Have a minimum distance of at least 2 miles from the boundaries of an existing municipality within the county. Alternately, an extraordinary natural boundary that requires separate municipal government must be present.
- Have a proposed municipal charter clearly prescribing and defining the form of government and its functions and not prohibiting or restricting the levy of the authorized tax.

When two or more cities incorporate by merging, the city may provide that the existing contracts for solid waste collection services be honored only for 5 years or the remainder of the contract term, whichever is shorter. In addition, if the city requests written evidence of the contract duration, excluding any automatic renewals or “evergreen provisions,” such evidence must be provided within a reasonable time.²⁴

FEASIBILITY STUDY

A feasibility study is a study of the proposed area to be incorporated. The purpose of the study is to enable the Legislature to determine whether or not the area: 1) meets the statutory requirements for incorporation, and 2) is financially feasible. In addition, a feasibility study must be completed and submitted to the Legislature at least 90 days prior to the first day of the regular legislative session during which the municipal charter would be enacted.

In 1999, the Legislature revised section 165.041, Florida Statutes, by adding new, more detailed requirements for the preparation of the required feasibility study for any area requesting incorporation. Specifically, the study must include:

- The general location of territory subject to a boundary change and a map of the area that identifies the proposed change.
- The major reasons for proposing the boundary change.
- The following characteristics of the area:
 - A list of the current land use designations applied to the subject area in the county comprehensive plan,
 - A list of the current county zoning designations applied to the subject area.
 - A general statement of present land use characteristics of the area,

- A description of development being proposed for the territory, if any, and a statement of when actual development is expected to begin, if known.
- A list of all public agencies, such as local governments, school districts, and special districts, whose current boundary falls within the boundary of the territory proposed for the change or reorganization.
- A list of current services being provided within the proposed incorporation area and the estimated costs for each current service.
- A list of proposed services to be provided within the proposed incorporation area, and the estimated cost of such proposed services.
- The names and addresses of three officers or persons submitting the proposal.
- Evidence of fiscal capacity and an organizational plan that, at a minimum, includes:
 - Existing tax bases, including ad valorem taxable value, utility taxes, sales and use taxes, franchise taxes, license and permit fees, charges for services, fines and forfeitures, and other revenue sources, as appropriate.
 - A 5-year operational plan that, at a minimum, includes proposed staffing, building acquisition and construction, debt issuance and budgets.
 - Data and analysis to support the conclusions that incorporation is necessary and financially feasible.
 - Population projections and population density calculations and an explanation concerning methodologies used for such analysis.
 - Evaluation of the alternatives available to the area to address its policy concerns.
- Evidence that the proposed municipality meets the standards for incorporation of section 165.061, Florida Statutes.

Once submitted, the House Committee on Local Government & Veterans Affairs (generally the Committee of reference for all local incorporation proposals) coordinates a review of the feasibility study findings and proposed charter with various legislative committees and appropriate state agencies. The House Committee on Local Government & Veterans Affairs then prepares an analysis of the information for use by legislators in deliberation of the proposal. The House of Representatives requires all local bills to be heard by substantive and fiscal committees, in the same manner as all general bills. The Senate generally does not prepare an analysis for most local bills, including those proposing a new municipal incorporation. The Senate Rules and Calendar Committee and Senate

Bill Drafting review local bills to assure the Constitutional notice requirement is met before being considered by the Senate.

Historically, citizen groups seeking incorporation pay for the feasibility study.

PROPOSED CHARTER

Section 165.061(1) (e), Florida Statutes, requires a proposed municipal charter that clearly prescribes and defines the form of government and its functions and does not prohibit or restrict the levy of authorized tax. However, several practical matters are important to consider when proposing a local bill for the creation of a new city that are not addressed in chapter 165, Florida Statutes. One of the first considerations is the content of the charter. A charter should contain matters that are of such importance that they should not be subject to change by simple ordinance. For example, chapter 166, Florida Statutes, requires that each municipality provide procedures for filling a vacancy in an elected office caused by death, resignation, or removal from office. While this requirement may be satisfied through the passage of an ordinance, the issue is fundamental enough to the governance of a municipality to be included in its charter.

The National Municipal League has recommended that a charter include an article on each of the following topics:

- Powers of the City
- City Council
- Chief Administrative Officers (City Manager and Attorney)
- Administrative Departments
- Financial Procedures
- Planning
- Nominations and Elections
- Initiative and Referendums
- General Provisions
- Transitional Provisions

In addition, the House Committee on Local Government & Veterans Affairs recommends that the local bill proposing the charter should have the charter in one bill section, rather than the charter being individual bill provisions. An example of this is:

Section 1. LEGISLATIVE INTENT.--The Legislature hereby finds and declares that:

Section 2. INCORPORATION OF MUNICIPALITY; CORPORATE LIMITS.--There is hereby created, effective _____, in

County, a new municipality to be known as the _____, which shall have a _____ form of government. The corporate boundaries of the _____ shall be as described in section 2 of the charter.

Section 3. SHORT TITLE.--This act, together with any future amendments thereto, shall be known and may be cited as the “_____ Charter,” hereinafter referred to as “the charter.” The charter of the _____ is created to read:

Section 1. MUNICIPAL POWERS

Section 2. VILLAGE BOUNDARIES

Section 4. TRANSITION PROVISIONS

Section 5. SEVERABILITY CLAUSE

Section 6. REFERENDUM PROVISION

However, unlike this example, there are more than two provisions required in a charter. The purpose of this example is to only show how the local bill should be formatted.

Copies of current Florida city charters may be obtained from the cities, usually from the office of the city clerk. Some charters and codes of ordinances can be obtained via the Internet at <http://www.municode.com/>. Charters passed by the Legislature since 1993 may be obtained from the House Committee on Local Government & Veterans Affairs, 303 House Office Building, 402 South Monroe Street, Tallahassee, Florida 32399-1300.

OTHER INCORPORATION STEPS

There are several steps not addressed in the law that can aid in the passage of an incorporation special act. In most cases, it is up to interested citizens' groups to convince their local representatives and senators (the local legislative delegation) that the establishment of a particular municipal government is a good idea. This is important since the House policy relating to local bills requires that a local bill be approved by the local Legislative Delegation. Usually a majority of the delegation must approve a proposed local bill. However, if the delegation's rules differ, the delegation follows its rule. (A detailed explanation of local bill requirements may be found in the Florida House of Representatives' Local Bill Policies and Procedures Manual.

The following steps are helpful in obtaining, but do not guarantee, approval by the local legislative delegation of the proposed incorporation charter:

- Support groups should prepare, or contract for preparation of, a feasibility study identifying and analyzing the local tax base and population data, anticipated available revenues, anticipated costs of start-up and operation,

capital requirements, etc. This is especially helpful due to the requirement under section 165.041, Florida Statutes.

- Support groups should prepare, or contract for preparation of, a written charter (from which the local bill will be drafted) containing the basic provisions for the organization of the municipal government. While the technical process of writing the final draft of the charter may be left to professionals, the decisions necessary to this process should involve the community through such activities as hearings and workshops, as much as possible.
- Support groups should gain approval of the county governing body. While this is not absolutely necessary, it is generally recommended because state legislators are often reluctant to oppose their local counterparts.
- To indicate support for the incorporation effort, citizens may circulate petitions in the area affected for presentation to the local legislative delegation and/or the county governing body.
- The special act enacting the charter should be subject to a referendum of the persons affected in order to indicate political support for the incorporation.

***LEGISLATIVE COMMITTEE ON INTERGOVERNMENTAL RELATIONS (LCIR)
INTERIM PROJECT – OVERVIEW OF MUNICIPAL INCORPORATIONS IN
FLORIDA***

During the 2000 Legislative Interim, the Legislative Committee on Intergovernmental Relations (LCIR) conducted an interim project that provides an overview of municipal incorporations in Florida.²⁵ The purpose of the report is to provide historical context to municipal incorporations, current standards, and exemptions from such standards, and offer suggested practices to be used in future incorporation initiatives, particularly with regard to the required feasibility study and charter. The following recommendations were made regarding municipal charter drafting:

- Place all “charter-related” sections in one section of the special act, with “non-charter” issues placed in other sections of the act.
- Clearly state and define the form of municipal government and officials’ powers, responsibilities and duties.
- Be consistent with the establishment date and the date the municipality is eligible for revenue sharing.
- Be specific regarding revenue sharing formula.
- Be realistic in determining municipal fiscal resources.
- Affirmatively state that all election laws are applicable.
- Have a clear and unambiguous referendum provision.

- Further develop intergovernmental relations regarding service delivery and growth management issues.
- Research and review previous municipal incorporation efforts and existing charters.

AMENDING A MUNICIPAL CHARTER

After a charter is enacted, a municipality may amend its charter in accordance with chapter 166, Florida Statutes, notwithstanding any charter provisions to the contrary. The Act provides that the governing body of a municipality may, by ordinance, submit to the electors a proposed charter amendment.

Alternatively, the electors of a municipality may, by petition signed by 10 percent of the registered electors as of the last preceding municipal general election, submit to the electors of a municipality a proposed amendment to its charter. Such an amendment may be to any part or to all of the charter except the part describing the boundaries of the municipality (such changes must be accomplished through annexation or deannexation as described in Chapter 3 of this manual). The governing body of the municipality shall place the proposed amendment contained in the ordinance or petition to a vote of the electors at the next general election or at a special election called for such purpose.

Upon adoption of an amendment to the municipal charter by a majority of the electors voting in a referendum, the governing body of the municipality is required to incorporate the amendment into the charter and file the revised charter with the Department of State. All amendments are effective on the date specified, or as otherwise provided in the charter.

A municipality may, without referendum and by unanimous vote of the governing body, abolish municipal departments provided for in the municipal charter. It may amend provisions or language out of the charter if judicially construed, either by judgment or by binding legal precedent from a decision of a court of last resort, to be contrary to either the State Constitution or Federal Constitution.

In addition, a municipality may, by ordinance and without referendum, redefine its boundaries to include those lands previously annexed. Such redefinitions must be filed with the Department of State. For additional information on municipal annexation, see Chapter 3.

MERGING MUNICIPALITIES

The municipal incorporation by merger process is described in section 165.041(2), Florida Statutes. To merge two or more municipalities and associated unincorporated areas, the governing bodies of the municipalities involved must pass concurrent ordinances setting forth the proposed new charter. The merger of one or more cities or counties with one or more special districts may often be accomplished in a similar manner. The special acts

relating to any special district subject to merger must be appropriately modified or repealed by the Legislature.

Municipal incorporation accomplished by merger may be initiated in one of two ways: 1) the governing body of an area to be affected adopts a resolution for merger, or 2) ten percent of the qualified voters in the affected area petition for a merger. If a petition containing the signatures of 10 percent of the qualified voters in the area is filed with the clerks of the governing bodies concerned, a feasibility study must be undertaken by those governing bodies. Within 6 months of receipt of the petition, the governing bodies must either adopt the concurrent formation ordinances or formally reject the petition. If the petition is rejected, the governing bodies must state the factual basis for such rejection.

The concurrent ordinances for formation must provide for the charter and its effective date, financial or other adjustments, and a referendum to be passed by a majority of voters in each unit or area to be affected. The ordinance must also provide for the date of the referendum, if approved by a majority of the members of the governing body of each governmental unit affected, no sooner than 30 days after passage of the ordinance. If the ordinance does not provide for a date of the referendum, then the referendum is held at the next regularly scheduled election. Notice of the referendum must be published at least once each week for 2 consecutive weeks immediately prior to the election, in a newspaper of general circulation in the affected area. The notice must include the time and places for the referendum. A general description in the form of a map, which clearly shows the area to be covered by the municipality, must also be included in the notice.

If two or more cities are pursuing a merger, somewhat different general standards apply than those of regular municipal incorporation. Like a municipal incorporation, the total area of the proposed merger must be compact and contiguous and open to accepting urban services. The plan for the merger must include provisions for the handling of bonded indebtedness and the status and pension rights of employees of the merging units of government. However, other standards for incorporation do not apply.

In addition, pursuant to ch. 00-304, Laws of Florida, a municipal incorporation through merger must honor existing solid waste contracts in the affected geographic subject area. However, the newly created city may provide that the existing contracts be honored only for 5 years or the remainder of the contract term, whichever is shorter. In addition, if the newly created city requests written evidence of the contract duration, excluding any automatic renewals or "evergreen provisions," such evidence must be provided within a reasonable time.

DISSOLVING MUNICIPALITIES

Section 2, Art. VIII of the State Constitution provides that municipalities may be abolished and their charters amended pursuant to general or special law. When any municipality is abolished, the Constitution requires that provision be made for the protection of its creditors.

There are three general provisions that must be met for a municipality to dissolve its charter: 1) the municipality must not be surrounded by other cities--this is to prevent the creation of an enclave; 2) the county or another city must be able to provide the necessary municipal services; and 3) the municipality to be dissolved must make arrangements to resolve its bonded indebtedness and vested rights of employees. In addition, the Legislature must be notified regarding obsolete special laws so that they may be repealed.

Sections 165.051 and 165.052, Florida Statutes, provide that a municipal charter may be revoked to dissolve a municipality in the following ways:

- The Legislature can pass a special act repealing the enabling act and any later amendatory acts. This method is subject to all requirements of law or rule applicable to the consideration and enactment of any special act.
- The governing body of the city seeking dissolution can pass an ordinance dissolving the municipality, subject to the approval of the qualified voters in the area affected.
 - The governing body of the municipality, or the governing body or bodies in which the municipality is located, if the municipal governing body does not act within 30 days, shall set the date of the referendum.
 - The referendum is to be held at the next regularly scheduled election or may be held at a special election prior to the next scheduled election, if the special election is approved by a majority of the members of each governmental unit affected. The date of the referendum cannot be sooner than 30 days after the passage of the ordinance.
 - The date of the referendum must be published at least once each week for two weeks prior to the date in a newspaper of general circulation in the municipality.
- Inactive municipalities may be dissolved by proclamation of the Secretary of State. For this to occur, the Department of Community Affairs must first file a report with the Secretary of State establishing the inactivity of the city, based upon findings that:
 - No election for membership in the governing body has been conducted within the past 4 years (or within the time frame

otherwise provided by law, if less frequent elections are called for by the enabling act).

- Notice of the proposed proclamation has been published at least once each week for 2 consecutive weeks in a newspaper of general circulation within the area affected. This notice must identify the city to be dissolved. It must also inform the public that, for 60 days following the final publication of notice, parties may file objections to the proposed proclamation, or to any debts of the city to be dissolved, with the Department of Community Affairs.
 - The 60 days have elapsed from the publication of the last notice and, in that time period, no sustained objections have been filed.

FORMATION ACTIVITY IN FLORIDA

MUNICIPAL INCORPORATION AND MERGERS

From 1972 to the present, 21 municipalities have been created, with 16 municipalities created by special act (Bonita Springs, DeBary, Deltona, Destin, Ft. Myers Beach, Islamorada, Jacob City, Lake Mary, Marathon, Marco Island, Midway, Palm Coast, Sanibel, Southwest Ranches, Wellington, Weston). During this time, one was recreated by special act after previous incorporation under authority of general law in effect prior to 1974 (Seminole). The cities of Key Biscayne, Pinecrest, Aventura, and Sunny Isles Beach were created under the charter provisions of Miami-Dade County’s Charter. The following table indicates recent municipal incorporations by year, county, and enabling law.

<u>YEAR</u>	<u>MUNICIPALITY</u>	<u>COUNTY</u>	<u>ENABLING LAW</u>
1973	LAKE MARY	Seminole County	ch. 73-522, Laws of Florida
1974	SANIBEL	Lee County	ch. 74-606, Laws of Florida
1983	JACOB CITY	Jackson County	ch. 83-434, Laws of Florida ch. 84-456, Laws of Florida
1984	DESTIN	Okaloosa County	ch. 84-422, Laws of Florida ch. 85-471, Laws of Florida
1986	MIDWAY	Gadsden County	ch. 86-471, Laws of Florida
1991	KEY BISCAYNE	Miami-Dade County	by authority of the Miami-Dade County Charter
1993	DEBARY	Volusia County	ch. 93-351, Laws of Florida ch. 93-363, Laws of Florida

1995	AVENTURA	Miami-Dade County	by authority of the Miami-Dade County Charter
1995	PINECREST	Miami-Dade County	by authority of the Miami-Dade County Charter
1995	FT. MYERS BEACH	Lee County	ch. 95-494, Laws of Florida
1995	DELTONA	Volusia County	ch. 95-498, Laws of Florida
1995	WELLINGTON	Palm Beach County	ch. 95-496, Laws of Florida
1996	WESTON	Broward County	ch. 96-472, Laws of Florida
1997	ISLAMORADA	Monroe County	ch. 97-348, Laws of Florida
1997	MARCO ISLAND	Collier County	ch. 97-367, Laws of Florida
1997	SUNNY ISLES BEACH	Miami-Dade County	by authority of the Miami-Dade County Charter
1999	BONITA SPRINGS	Lee County	ch. 99-428, Laws of Florida
1999	MARATHON	Monroe County	ch. 99-427, Laws of Florida
1999	PALM COAST	Flagler County	ch. 99-448, Laws of Florida
2000	SOUTHWEST RANCHES	Broward County	ch. 00-475, Laws of Florida
2000	MIAMI LAKES	Miami-Dade County	by authority of the Miami-Dade County Charter

FAILED ATTEMPTS AT MUNICIPAL INCORPORATION

Over the years, a number of incorporation attempts have failed. Since 1980, some Floridians have rejected municipal government by voting down the incorporation efforts of:

- The City of Deltona Lakes (1987)
(chapter 87-449, Laws of Florida)
- The City of Deltona (1990)
chapter 90-410, Laws of Florida
- The City of Fort Myers Beach (1982/1986)
(chapters 82-295 and 86-413, Laws of Florida)

- A city in the Halifax area of Volusia County (1985)
(chapter 85-504, Laws of Florida)
- The City of Marco Island (1980/1982/1986/1990/1993)
(chapters 80-541, 82-330, 86-434, 90-457 and 93-384, Laws of Florida)
- The City of Spring Hill (1986)
(chapter 86-463, Laws of Florida)
- The City of Port LaBelle (1994)
(chapter 94-480, Laws of Florida)
- The City of Destin (1995)
(by authority of the Dade County Charter)
- The City of Ponte Vedra (1998)
(chapter 98-534, Laws of Florida)
- The Village of Key Largo (1999)
(chapter 99-430, Laws of Florida)
- The City of Southport (1999)
(chapter 99-444, Laws of Florida)
- The Village of the Lower Keys (2000)
(chapter 00-383, Laws of Florida)
- The Village of Paradise Islands (2000)
(chapter 00-382, Laws of Florida)

MUNICIPAL/MUNICIPAL MERGERS

A few previously existing cities have been incorporated through mergers with other cities. Examples include:

- In Brevard County, the merger of Eau Gallie with Melbourne (chapters 67-1156, 69-879 and 70-807, Laws of Florida) and the merger of the Town of Whispering Hills Golf Estates with the City of Titusville (chapters 59-1991 and 63-2001, Laws of Florida).
- In Pinellas County, the merger of Pass-A-Grille Beach with the City of St. Petersburg Beach (chapter 57-1814, Laws of Florida).
- In Bay County, the merger of Longbeach Resort and Edgewater Gulf Beach with the City of Panama City Beach (chapters 67-2174 and 70-874, Laws of Florida).

MUNICIPAL DISSOLUTIONS

During the last several decades, numerous cities have been dissolved:

- Bithlo in Orange County by authority of the Secretary of State in January 1977;
- Bayview in Bay County by chapter 77-501, Laws of Florida;
- Munson Island in Monroe County by chapter 81-438, Laws of Florida;
- Painters Hill in Flagler County by chapter 81-453, Laws of Florida;
- Hacienda Village in Broward County by chapter 84-420, Laws of Florida;
- Pennsuco in Miami-Dade County under authority of the Miami-Dade County Charter; and
- Golfview in Palm Beach County by chapter 97-329, Laws of Florida.
- North Key Largo Beach by chapter 2003-318, Laws of Florida.

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FOR FURTHER INFORMATION

General Information

Florida League of Cities
Post Office Box 1757
Tallahassee, Florida 32302-1757
850-222-9684
<http://flcities.com/>

House Committee on Local Government & Veterans Affairs
303 House Office Building
402 S. Monroe Street
House of Representatives
Tallahassee, Florida 32399-1300
<http://myfloridahouse.com>

National Civic League
1445 Market Street
Suite 300
Denver, Colorado 80202-1728
303-571-4343
<http://ncl.org/ncl>

Municipal Demographics and Statistics

Bureau of Economic and Business Research
University of Florida
College of Business Administration
221 Matherly Hall
Gainesville, Florida 32611-2017
352-393-0171
<http://www.bibr.ufl.edu/>

Economic and Demographic Research Division
Joint Legislative Management Committee
576 Pepper Building
111 West Madison Street
Tallahassee, Florida 32399-1400
850-487-1402
<http://www.state.fl.us/edr>

Legislative Committee on Intergovernmental Relations (LCIR)
Room 4
Holland Building
Tallahassee, Florida 32399-1300
850-488-9627
<http://fcn.state.fl.us/acir>

Comprehensive Planning Information

Department of Community Affairs
Division of Community Planning
Bureau of Local Planning
Sadowski Building
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100
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<http://www.dca.state.fl.us>

Municipal Annexation or Contraction

SUMMARY

This chapter discusses how Florida municipalities address boundary changes through either the addition (annexation) or subtraction (contraction) of land. Annexation is the addition of real property to the boundaries of an incorporated municipality, where such an addition becomes, in every way, a part of the annexing municipality. Contraction, also referred to as deannexation, is the reversion or removal of real property from municipal boundaries. The removed area becomes unincorporated and its governance reverts to the county.

ANNEXATION HISTORY

Annexation is one of the primary tools used by American cities to adjust to urban population growth and to meet the needs of people for government services on the periphery of a city. Through annexation a city may increase its tax base, expand its service delivery area, maintain a unified community, allow additional persons to vote in elections that affect their quality of life, and control growth and development.

The constitutions and laws of the 50 states set the rules for establishing and revising the boundaries of local governments. There are many variations in how boundaries are changed across the United States. In some instances, the process favors municipal expansion through easy annexation. In other states, annexation is more difficult. In Virginia, for example, the courts adjudicate such proposals. Some state legislatures act directly to establish local governments and adjust their boundaries.²⁶

Prior to the 1960s, the U.S. Supreme Court had a very permissive attitude toward municipal annexations, treating them as the exclusive domain of the states. This attitude was altered somewhat when the Supreme Court acted to protect the right to vote from racially discriminatory policies masquerading as annexation or contraction. For example, the Alabama Legislature redrew the boundaries of Tuskegee, Alabama, in a highly unusual way to eliminate from the city all but four or five of the city's 400 black voters. The Court held that municipal annexations could not be used to circumvent federally protected rights.²⁷

In 1965, Congress attempted to stop local governments from discriminating against some of its citizens through the Voting Rights Act. This Act requires cities deemed guilty of past voting-rights violations to obtain federal approval of annexations. After one of these municipalities annexes more land and goes through all of the steps required by state law, it must still have the action reviewed by the U.S. Justice Department. The Justice Department will not give

advice before the action occurs and their review is only to search for discriminatory practices. In other words, the Justice Department will only review a procedure after the municipality has adopted it. In Florida, annexation in any of the following counties requires federal approval: Collier, Hardee, Hendry, Hillsborough, and Monroe Counties. It should be noted that federal approval is required not only in annexations, but in any action that affects voters and voting behavior.²⁸

CONSTITUTIONAL/STATUTORY PROVISIONS RELATING TO ANNEXATIONS

Section 2(c), Art. VIII of the State Constitution authorizes the Legislature to annex unincorporated property into a municipality by special act. It also authorizes the Legislature to establish procedures in general law for the annexation of property by local action. Miami-Dade County, however, has exclusive jurisdiction over its municipal annexations under sections 11(1)(c), article VIII, (5) and (6), of the 1885 State Constitution, as adopted by reference in s. 6(e), Article VIII of the State Constitution.

The Legislature established local annexation procedures by general law in 1974, with the enactment of chapter 171, Florida Statutes. Chapter 171, Florida Statutes, named the “Municipal Annexation or Contraction Act,” describes the ways that property can be annexed or deannexed by cities without passage of an act by the Legislature. There are two types of annexations in Florida: voluntary and involuntary. With voluntary annexations, all property owners in the area proposed for annexation formally seek the annexation by petition. For an involuntary annexation to occur, at least a majority of the electors in the area proposed for annexation must vote in favor of the annexation. The municipality may submit the annexation ordinance to the voters of the annexing municipality but that vote is discretionary. In addition, for the annexation to be valid under Chapter 171, Florida Statutes, the annexation must take place within the boundaries of a single county.

There is a twofold purpose of the Florida annexation laws: 1) to set forth local annexation/contraction procedures, and 2) to establish prerequisites for achieving the legislative goals of sound urban development, uniform legislative standards, and efficient provision of urban services.

STATUTORY REQUIREMENTS THAT MUST BE MET BEFORE ANNEXATION MAY OCCUR

Before local annexation procedures may begin, the governing body of the annexing municipality must prepare a report containing the city’s plans for providing urban services to the proposed area to be annexed. A copy of the report must be filed with the board of county commissioners where the municipality is located. This report must include appropriate maps, timetables, and financing methodologies. It must certify that the area proposed to be annexed is appropriate for annexation because it meets the following standards and requirements:

- The area to be annexed must be an unincorporated area that is contiguous to the boundary of the annexing municipality. This means that a substantial part of the boundary of the area to be annexed has a common boundary with the municipality. The specified exceptions are where the area is separated from the city’s boundary by a publicly owned county park, right-of-way, or body of water.
- The area to be annexed must be reasonably compact.
- No part of the area to be annexed may fall within the boundary of another municipality.
- The majority of the land to be annexed must be developed for urban purposes. Urban purposes are defined as:
 - having a population of at least two persons per acre;
 - if 60 percent of the subdivided lots are one acre or less, having density of one person per acre;
 - having at least 60 percent of the subdivided lots used for urban purposes; or
 - having at least 60 percent of the total urban residential acreage divided into lots of 5 acres or less.
- Alternatively, if the proposed area is not developed for urban purposes, it can either border at least 60 percent of a developed area, or provide a necessary bridge between two urban areas.

Annexed areas are declared to be subject to taxation (and existing indebtedness) for the current year on the effective date of the annexation, unless the annexation takes place after the municipal governing body levies such tax for that year. In the case of municipal contractions, the city and county must reach agreement on the transfer of indebtedness or property—the amount to be assumed, its fair value, and the manner of transfer and financing.

VOLUNTARY AND INVOLUNTARY ANNEXATIONS

VOLUNTARY ANNEXATION

If the property owners of a particular unincorporated area desire annexation into a contiguous municipality, they can initiate voluntary annexation proceedings. The following procedures govern *voluntary annexations* in every county, except for those counties with charters providing an exclusive method for municipal annexation:

- Submission to the municipal governing body of a petition seeking annexation, signed by all property owners in the area proposed to be annexed.

- Adoption of an ordinance by the governing body of the annexing municipality to annex the property after publication of notice at least once a week for 2 consecutive weeks, setting forth the proposed ordinance in full.

In addition, the annexation must not create enclaves. An enclave is:

- any unincorporated, improved, or developed area that is enclosed within and bounded on all sides by a single municipality; or
- any unincorporated, improved, or developed area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality.

Upon publishing notice of the ordinance, the governing body of the municipality must provide a copy to the board of county commissioners of the county where the municipality is located.

INVOLUNTARY ANNEXATIONS

A municipality may annex property where the property owners have not petitioned for annexation pursuant to section 171.0413, Florida Statutes. This process is called involuntary annexation. In general, the requirements for an involuntary annexation are:

- The adoption of an annexation ordinance of a “reasonably compact” area by the annexing municipality’s governing body.
- Prior to the adoption of an annexation ordinance, the governing body of the municipality must hold at least two advertised public hearings, with the first meeting being held on a weekday at least seven days after the first advertisement and the second meeting being held on a weekday at least five days after the first advertisement. (This new requirement was passed by the 1999 Legislature).
- Submission of the ordinance to a vote of the registered electors of the area proposed to be annexed once the governing body has adopted the ordinance.

In 1999, the Florida Legislature removed the requirement of a “dual referendum” in specific circumstances. The term “dual referendum” refers to the requirement that in addition to a vote by the electors in the proposed annexed area, the annexation ordinance was submitted to a separate vote of the registered electors of the annexing municipality if the total area annexed by a municipality during any one calendar year period cumulatively exceeded more than five percent of the total land area of the municipality or cumulatively exceeded more than five percent of the municipal population. The holding of a dual referendum is now at the discretion of the governing body of the annexing municipality. There is no

requirement that the electors in the municipality approve an annexation ordinance regardless of the cumulative effect of such annexation.

If there is a majority vote in favor of annexation in the area proposed to be annexed, the area becomes a part of the city. If there is no majority vote, that area cannot be made the subject of another annexation proposal for two years from the date of the referendum.

TYPES OF ANNEXATIONS

ANNEXATION OF AREA WITH NO REGISTERED VOTERS

If more than 70 percent of the land in an area proposed to be annexed is owned by individuals, corporations, or legal entities that are not registered electors, the area may not be annexed unless the owners of more than 50 percent of the land in the area consent to such annexation. The parties proposing the annexation must obtain such consent prior to the referendum to be held on the annexation.

If an area proposed to be annexed *does not have any registered electors* on the date a local government adopts an annexation ordinance, obviously an election within the area cannot take place. In this case, the area may not be annexed unless the owners of more than 50 percent of the parcels of land consent to the annexation. The required property owner approval must be obtained by the parties proposing the annexation prior to the final adoption of the ordinance. In addition, the annexing municipality may submit the ordinance to a vote of the registered electors of the annexing municipality. The annexation ordinance is effective upon becoming a law or as otherwise provided in the ordinance.

ANNEXATION OF ENCLAVES

With the passage of chapter 93-206, Laws of Florida, (now found in section 171.046, Florida Statutes), the Legislature recognized that enclaves can create significant problems in planning, growth management, and service delivery. An enclave is (a) any unincorporated, improved or developed area that is enclosed within and bounded on all sides by a single municipality; or (b) any unincorporated, improved or developed area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality.

The intent of the 1993 legislation was to make it easier to eliminate enclaves of small land areas. A separate process for annexing enclaves of 10 acres or less was created. Using this process, a municipality may annex an enclave by interlocal agreement with the county having jurisdiction of the enclave. It may also annex an enclave with fewer than 25 registered voters by municipal ordinance, when the annexation is approved in a referendum by at least 60 percent of the voters in the enclave. These procedures do not apply to undeveloped or unimproved real property.

ANNEXATION BY SPECIAL ACT

Subsection 171.044(4), Florida Statutes, provides that the procedures for voluntary annexation shall be “supplemental to any other procedure provided by general law or special law.” There are a number of special annexation laws that exist in Florida, and hence special laws should always be checked prior to beginning annexation procedures. The legislature may allow municipalities to annex property and are empowered to waive any and all statutory requirements.

ANNEXATION BY CERTAIN CHARTER COUNTIES

Also provided in subsection 171.044(4), Florida Statutes, voluntary annexation procedures do not apply to municipalities and counties with charters that provide for an exclusive method of municipal annexation.

EFFECT OF ANNEXATION ON AN AREA

Immediately upon being annexed, an area becomes subject to all laws, ordinances, and regulations applicable to other city residents. An exception is that applicable county land use and zoning regulations continue in effect until the annexing municipality rezones the area. Also, the county land use plan, and zoning or subdivision regulations of the unincorporated area remain in effect (after the annexation has been approved) until the annexing municipality adopts a local comprehensive plan amendment to include the new area. In contractions, excluded territory is immediately subject to laws, ordinances, and regulations in effect in the county.

Affected persons who believe they will suffer material injury because of the failure of the city to comply with annexation or contraction laws as they apply to their property can appeal the annexation ordinance. They may file a petition within 30 days following the passage of the ordinance with the circuit court for the county in which the municipality is located seeking the court’s review by certiorari. If the appeal is won, the petitioner is entitled to reasonable costs and attorney’s fees. Finally, any changes in municipal boundaries require revision of the boundary section of the municipality’s charter. Such changes must be filed as a charter revision with the Department of State within 30 days of the annexation or contraction.

EFFECTS ON SOLID WASTE COLLECTION AFTER VOLUNTARY & INVOLUNTARY ANNEXATION

Florida law provides for continuing any exclusive franchised solid waste collection services that have been in effect for six months or longer. They are to continue to provide service to the newly annexed area for either 5 years or for the remainder of the franchise term, whichever is shorter. The municipality may allow the franchise to continue servicing the area under the present franchise agreements, or the city may terminate the agreements if the franchisee does not agree to comply with certain statutory provisions relating to the quality of services or the costs of providing such services.

The Legislature adopted a provision codified in section 171.062(5), Florida Statutes, which provides that a solid waste collection contract in effect at least 6 months prior to the annexation, may continue to provide services to the annexed area for 5 years or the remainder of the contract, whichever is shorter. The solid waste collection provider must provide written evidence of the contract duration, excluding any automatic renewals or “evergreen” provisions, within a reasonable time of a written request. This does not apply to single-family residential properties in specified enclaves.

LIMITED PROTECTION AGAINST ANNEXATION FOR INDEPENDENT SPECIAL DISTRICTS

In 2000, the Legislature created section 171.093, Florida Statutes, to address municipal annexation of property within the boundary of an independent special district that levies ad valorem taxes. It is an effort to isolate and provide certain limited protections to independent special districts from annexation activity in areas affecting them. Frequently, independent special districts receive no financial protection from annexing municipalities, even though the district continues to be liable for its debts. As an independent special district’s tax base continues to decrease due to annexations and abundant loss of territory, the district may become economically inefficient and unstable. A situation may arise where an independent special district no longer has any property within its boundaries due to annexations. This law now provides a method to allow independent special districts to factor the decreased property base into its budget, while at the same time not restricting municipalities’ ability to annex.

An orderly transition of special district service responsibilities to an annexing municipality in an equitable manner is provided for in section 171.093, Florida Statutes. Upon annexation of property within a special district’s boundaries, a municipality has the option to elect the assumption of the special service responsibilities. If the municipality elects to assume the responsibilities, the municipality and special district may enter into an interlocal agreement to address the transition. If no interlocal agreement can be reached, then the district remains the service provider in the annexed area for a period of four years. During this time, the municipality pays the district an amount equal to the ad valorem taxes or assessment that would have been collected had the property remained in the district. At the end of the four years, or other agreed upon extension, the municipality and district must enter into an agreement regarding the transfer of district property located within the municipality. If no agreement is reached, then the parties proceed to circuit court. District service and capital expenditures within the annexed area must rationally relate to the annexed area’s service needs and that service and capital expenditure must also relate to received revenues. In addition, a district is prohibited from having a capital expenditure of more than \$25,000 for use primarily with the annexed area without the express consent of the municipality.

If the municipality does not elect to assume district responsibilities, the district continues providing service to the annexed area. In addition, the annexed area remains within the district's boundaries. Finally, the district is allowed to continue assessing user charges and impact fees within the annexed area while it remains the service provider.

However, these annexation provisions do not apply to community development districts and water management districts.

MUNICIPAL CONTRACTION OR DEANNEXATION

In addition to adding land, municipalities may also redraw their boundaries to remove an area from the city through the *contraction* process. *Contraction*, also referred to as *deannexation*, is the reversion or removal of real property from municipal boundaries so that the removed section becomes an unincorporated area and is governed by the county. In contractions, excluded territory is immediately subject to laws, ordinances, and regulations in effect in the county. The deannexation process is described in section 171.051, Florida Statutes.

The city may propose an area for exclusion, or 15 percent of the qualified voters residing in an area may petition the municipal government body to exclude that area from the city limits. If the contraction proposal is initiated by petition of the area residents, the governing body must conduct a feasibility study of the proposal and, within 6 months, decide to initiate contraction procedures or reject the petition and state the factual basis for such rejection.

Regardless of how the proposal is initiated, if the decision is made to seek contraction of the city's boundaries, the governing body must publish notice of the proposed contraction ordinance in a local newspaper once per week for 2 consecutive weeks. This notice must:

- describe the area to be excluded in the form of a map clearly showing the area to be excluded;
- show that the area fails to meet the general standards for annexation;
- set the time and place for consideration of the contracting ordinance; and
- advise that all affected persons may be heard.

Voter approval of the contraction may be required in two ways:

- The city governing body may simply call for a referendum election on the question in the area proposed for exclusion.
- The residents of the area proposed for exclusion may submit a petition to the city governing body, signed by at least 15 percent of the area's qualified voters, requesting a referendum on the question. If, at this point,

the city governing body does not wish to hold a referendum, it may simply vote not to contract the municipal boundaries.

If a referendum election is to be held in the area proposed for exclusion, the city governing body must set the date for the election and publish notice of the referendum at least once each week for the 2 weeks prior to the election.

If a majority of the voters in the referendum election vote in favor of contraction, the area will be removed from the city's jurisdiction on the date established in the contraction ordinance. If, however, the vote is against contraction, the area will remain within the city's jurisdiction. No part of that area may become the subject of another contraction proposal for 2 years from the date of the referendum.

For an area to be removed from a municipality, it must meet the following criteria:

- The area must fail to meet the criteria for annexation.
- The results of the contraction must not separate any portion of the municipality from the rest of the municipality.
- The contracting ordinance must provide for apportionment of any prior existing debt and property.

ANNEXATION AND CONTRACTION ACTIVITY IN FLORIDA

Under section 2(c), Art. VIII of the State Constitution, the Legislature is authorized to annex unincorporated property into a municipality by special act. The Legislature may also establish procedures by general law for annexation of property by local action. Between 1971 and 2002, the Legislature passed approximately 228 special acts for the purpose of annexing, deannexing, and/or adjusting the boundaries of the state's municipalities.²⁹ Very little is known about the number and character of annexations accomplished by local action pursuant to general law during this same period. No statewide record exists of voluntary annexations or failed attempts at the local level.³⁰

WHY SPECIAL ACTS?

There are many reasons why annexation and contraction may be attempted by special act. First, general law provisions in chapter 171, Florida Statutes, do not address the annexation of property into one city from another city. When the municipal boundaries are coterminous, a special act is needed. Second, local officials or citizens may request their legislator to file a special act because it would be less costly for the locality than a referendum. Third, there may be considerable, but not unanimous or majority, support for annexation among persons residing in the area. Due to circumstances, a referendum result may not be reflective of support, such as when the residents do not own the property in the area. Lastly, local or state policy makers may desire to circumvent the general law procedures for political or other reasons.

In any case, section 10, Art. III of the State Constitution prohibits the Legislature from passing any local bill (special act), unless the bill has either been advertised in advance or is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.

Some examples of boundary adjustments through annexations or deannexations by special act of the Legislature within the past two years are:

Broward County/Dania Beach, chapter 01-291, Laws of Florida

Broward County/Ft. Lauderdale, chapter 01-322, Laws of Florida

Brevard County/Satellite Beach, chapter 01-339, Laws of Florida

Lee County/Cape Coral, chapter 02-370, Laws of Florida

Broward County/Coconut Creek, chapter 02-364, Laws of Florida

Broward County/Davie, chapter 02-356, Laws of Florida

Broward County/Lauderdale-By-The-Sea, chapter 02-357, Laws of Florida

Broward County/Margate, chapter 02-364, Laws of Florida

Volusia County/Port Orange/South Daytona, chapter 02-353, Laws of Florida

Broward County/Southwest Ranches, chapter 02-356, Laws of Florida

Of particular interest is the establishment of local annexation processes different from general law. One such process was established with the passage of the *Alachua County Boundary Adjustment Act* (the Act), created by chapter 90-496, Laws of Florida, and amended by chapter 91-382, Laws of Florida. The Act creates procedures for establishing municipal reserve areas, requires designation of reserve areas within the county, and provides a procedure for boundary adjustments (annexation or contraction of municipal boundaries) within the reserve areas.

More specifically, the Act requires that municipalities within Alachua County designate areas to be reserved for annexation. The Act is the sole method for annexation of areas within a municipality's reserve area, whether that annexation is voluntary or involuntary. Municipalities with designated reserve areas can only annex from those designated reserve areas. The Act does not address the proper procedure for voluntary or involuntary annexation where a municipality has no reserve area. In fact, the Act provides that a municipality failing to designate a reserve area waives its right to participate in annexation pursuant to the Act. Two municipalities within Alachua County, Hawthorne and LaCrosse, do

not have reserve areas, but have been proceeding with voluntary annexations in accordance with general law.

Broward County has a different local annexation process than that provided by general law and applied elsewhere. Chapter 96-533, Laws of Florida, grants an exemption for Broward County from the general law provision requiring a referendum of the electors of an annexing municipality. In addition, any annexation of unincorporated property within Broward County must first be considered at a public hearing conducted by the Broward Legislative Delegation. The effective date does not occur until the first day of October following adjournment of the next Regular Legislative Session.

RECENT LEGISLATIVE ACTION REGARDING ANNEXATION

Section 2, Chapter 2002-296, Laws of Florida, created section 163.3177(6)(h)9, Florida Statutes. That provision requires representatives of municipalities, counties, and special districts to provide recommended statutory changes for annexation to the Legislature by February 1, 2003. Included in those recommendations are changes to address the delivery of local governmental services in areas planned for annexation. Interested parties are currently working on a policy statement related to this issue.

CREATIVE ANNEXATION SOLUTIONS

On occasion there is a resistance to municipal annexation by counties that perceive that they will lose current and potential revenues by relinquishing jurisdiction over annexed property. This particularly becomes an issue in large counties that provide many urban services. Some of the issues that may arise include: water and sewer provision; and loss of tax, impact fee or special assessment revenues for the counties.

One potential solution may be Joint Planning Area Agreements (JPA). Section 163.3177(6)(h)1(e), Florida Statutes, requires local governments to include in their intergovernmental coordination element of their comprehensive plan, a list of procedures to identify and implement joint planning areas and joint infrastructure service areas. Interlocal agreements entered into between two or more units of local government can be used to delineate both planning and service provision areas in an attempt to avoid duplication and conflict between neighboring local governments.

An example of such a joint planning agreement is provided by a Joint Planning Agreement (“Agreement”) entered into on May 4, 1994 between the City of Orlando and Orange County. The Agreement attempts to delineate areas of unincorporated Orange County to which the City of Orlando agrees to limit its future annexation to the areas outlined in the Agreement.

The Agreement includes a map defining a joint planning area, which consists of land likely to be developed for urban purposes, and which are appropriate for

annexation. The Agreement states that: “During the term of this Agreement, the City may annex only land in the Joint Planning Area, whether voluntarily or involuntarily, but may annex any and all land in the Joint Planning Area.” There are several exceptions to this general rule for voluntary annexations initiated by Universal Studios or the Orange County School Board.

With respect to land use planning, both the City and County retain their respective rights to challenge development orders issued by the other within the Joint Planning Area and agree that while Orange County’s future comprehensive plan amendments are not subject to the Agreement, the City will agree to refrain from issuing development orders with the Joint Planning Area that are inconsistent with the comprehensive plan. Finally, the Agreement addresses the provision of fire and rescue service within the joint planning area by the County and City depending upon when certain areas are annexed by the City.

The agreement is unusual in that it attempts to limit the City of Orlando’s annexation authority that may be contrary to case law construing municipal annexation.³¹ However, joint planning agreements may be used creatively by local governments to avoid service delivery conflicts.³²

CASE LAW RELATING TO ANNEXATION IN FLORIDA

The statute governing annexation, chapter 171, Florida Statutes, has been extensively litigated in the Florida courts. Much of this litigation has resulted in the affirmation of the simple language of the State Constitution and the statute.

EXERCISE OF ANNEXATION AUTHORITY

The courts have affirmed the Legislature’s power to establish and abolish municipalities by special law or by general law.³³ Additionally, the court in *SCA Services of Florida, Inc. v. City of Tallahassee* noted that a municipality may annex land by passing a municipal ordinance using procedures set forth in chapter 171, Florida Statutes.³⁴ Other cases have required that the annexation authority be exercised within the framework of due process, equal protection, and other provisions of the State Constitution.³⁵

Case law relating to the exercise of annexation authority also clarifies that:

- the Legislature shares the power to annex with municipal corporations;³⁶
- the Legislature has the ability to expressly prohibit the expansion of municipal territory by the municipal corporation’s independent action;³⁷
- a statute may give a municipality the authority to annex contiguous lands in any proper manner or may ratify an unauthorized exercise of authority conferred;³⁸

WHEN DOES ANNEXATION TAKE EFFECT?

A parcel of land that is the subject of an annexation ordinance does not become part of the municipal corporation adopting the ordinance until the ordinance becomes final.³⁹ Annexation ordinances may be enacted validly even though the original petitioners for annexation transfer the land to persons who did not petition.⁴⁰ The Florida Supreme court held that there is no absolute right to vote on proposed alterations of municipal boundaries.⁴¹ The Court also held that the Legislature may cause annexation to occur with or without any vote; or may cause annexation to occur by a single majority vote of all those affected.⁴²

The significant case law activity of the Florida courts relating to annexation can be categorized into three issue categories:

- Taking private property without just compensation;
- Improper delegation of legislative authority to change municipal boundaries; and
- The right to vote in annexation referendums.

TAKING PRIVATE PROPERTY WITHOUT JUST COMPENSATION

Concerning private property, the courts may restrain the legislative prerogative where the annexation in question is found to be unreasonable.⁴³ The major considerations for determining the reasonableness of an annexation include:

- benefits and services rendered in relation to the taxes imposed on the annexed property;
- the nature of the annexed land; and
- legislative policy.⁴⁴

Even if land is suitable for annexation, the court will not allow the annexation to take place if it would constitute a “palpably arbitrary, unnecessary, and flagrant invasion of personal and property rights.”⁴⁵ Unreasonable annexations have been found where city taxes were imposed for which the landowner received no benefits, and where boundaries were extended for revenue purposes only.⁴⁶

Lands are illegally included in a municipality if the lands are so remote from any municipal facility that they can receive no municipal benefits.⁴⁷

IMPROPER DELEGATION OF LEGISLATIVE AUTHORITY TO CHANGE MUNICIPAL BOUNDARIES

Municipalities may not contract with others under certain circumstances. For instance, a party cannot contract with a municipality where the result would be the complete removal of the police powers of the municipality.⁴⁸ Municipal contracts promising not to impose taxes, or granting tax exemptions, are likewise

void in the absence of specific constitutional or legislative authority.⁴⁹ Municipalities may not contract away their power to annex land.⁵⁰ If an agreement limits or restricts the elected representatives of a governing body and their duly elected successors in the exercise of their governmental powers, the agreement is inoperative.⁵¹ Since the power to annex is governmental, such a power cannot be contracted away.⁵² A city may not be rendered impotent to exercise governmental functions and to modify or change its policies.⁵³

An annexation statute may delegate too much power to the judiciary, which violates the separation of powers between the branches of government. Annexation, being exclusively a legislative function, cannot be delegated to, or exercised by, a non-legislative body such as the judiciary.⁵⁴ Thus, a statute that leaves a court with the discretion to determine the conditions or circumstances on which the change of municipal boundaries will be permitted violates the constitutional separation of powers.⁵⁵

Instead, a statute should charge the court with the judicial function of determining whether conditions or circumstances prescribed by the legislature have been met or performed.⁵⁶ Statutes that leave to courts the determination of whether annexation is “desirable, necessary, advisable, in the best interest of the inhabitants of the city or annexed area, or ought in justice and equity be allowed,” are unconstitutional because they leave to the judiciary the exercise of a legislative power; the determination of the conditions when annexation should take place.⁵⁷ The drawing of boundary lines for annexation and the guidelines and definitions for annexation are legislative functions that cannot be carried out by the judiciary.⁵⁸

THE RIGHT TO VOTE IN ANNEXATION REFERENDUMS

Another reason for declaring an annexation statute unconstitutional is that the statute may violate a person’s right to due process or equal protection. Although the Legislature has the power to annex, the Legislature cannot violate rights set forth in the State Constitution, whether those rights are express or implied.⁵⁹ A statute violates the equal protection guarantee if there is a gross and glaring territorial inequality. This can occur when there is a sudden, unreasonable, and wholesale extension of municipal boundaries that envelopes an area many times the size of the original city without any municipal benefit to that area and subjects that area to municipal taxation.⁶⁰

Due process is not violated where notice of annexation is broad enough so that an average person may reasonably foresee that his interest may be affected by the proposed legislation.⁶¹ Likewise, if a statute gives each affected qualified elector the right to vote, the equal protection clause will not be violated, even if the number of qualified electors in the municipality seeking to annex the land outweighs those electors in the unincorporated land.⁶²

In City of Tallahassee v. Kovach,⁶³ the Court held that landowners did not have the statutory standing to contest annexation of property by a city when their property was surrounded on three sides by the property proposed for annexation. Section 171.081, Florida Statutes (1995) grants standing to challenge annexation to three categories of parties: those parties who own property within the annexing municipality, those parties who reside within the annexing municipality, and those parties owning property that is proposed to be annexed.⁶⁴ Close proximity to the proposed property for annexation is not enough.⁶⁵ However, even if a party does not have standing to sue under the Municipal Annexation or Contraction Act, they are not deprived of access to courts under article 1, section 21 of the Florida Constitution, which provides that the courts are open to every person for redress of any injury.⁶⁶

ATTORNEY GENERAL OPINIONS RELATING TO ANNEXATION

VOLUNTARY ANNEXATION

In 1977, the AG stated that cities using the voluntary method of annexation are not required to hold a referendum on the question.⁶⁷ In 1978, an AG opinion declared that cities using the voluntary annexation method need not meet the criteria for involuntary annexation.⁶⁸

In 1987, the AG declared that a municipality may not voluntarily annex land occupied by a single condominium without a petition signed by all owners of units in the condominium. Section 718.106(1), Florida Statutes, declares that all owners of units in a condominium are owners of separate parcels of real property. Thus, a petition to a municipality for voluntary annexation must bear the signatures of all owners of units in a condominium pursuant to subsection 171.044(2), Florida Statutes.⁶⁹

SUPPLY OF WATER AND SEWER

In 1986, an AG opinion stated that a city is not required to supply water and sewer to property outside of its jurisdiction. A city may limit services to only property falling within its jurisdiction. In this situation, no charter, statutory provisions, or contractual agreement required the city to furnish water and sewer to areas outside of its jurisdiction. Therefore, a city may refuse to provide such municipal services until such time as the property is annexed.⁷⁰ This opinion is similar to one decided by the Florida Supreme Court on September 19, 1996. In Allen's Creek Properties, Inc. v. City of Clearwater, the Court held that the city could condition the provision of sewer service on annexation.

ENFORCEMENT OF TRAFFIC LAWS

In 1989, the AG determined that police departments are authorized by section 316.640(3)(a), Florida Statutes, to enforce state traffic laws on state roads that are within the geographical limits of the city although the road itself has not been annexed. This AG conclusion was based on an earlier opinion that authorized

municipalities to provide police protection on federal highways and state roads that are physically located within corporate municipal boundaries.⁷¹

PROHIBITION AGAINST AD VALOREM TAX REBATE

A 1990 AG opinion states that a city may not provide incentive for the annexation of property into a municipality by passing an ordinance allowing a rebate of a portion of the ad valorem taxes collected on newly annexed property. Under section 166.021, Florida Statutes, municipalities possess broad home rule powers granted by s. 2(b), Art. VIII of the State Constitution. This broad power does not, however, include the power to levy taxes. The rebate of a portion of the ad valorem taxes paid on newly annexed property provides an indirect exemption from taxation that has no constitutional or statutory basis. Thus, the city may not provide for a rebate on ad valorem taxes without constitutional or statutory authority allowing such action.⁷²

ANNEXATION PROCEDURES

Two significant AG opinions were issued in 1996 concerning annexation procedures. The first describes when a municipality is precluded by section 171.0413, Florida Statutes, from requiring a separate referendum vote by the electors of an annexing city for passage of an annexation ordinance. A vote does not occur within the annexing city in cases where the area to be annexed does not exceed 5 percent of the total land area of the municipality and the population of the areas does not exceed 5 percent of the municipal population.⁷³

The second significant 1996 AG opinion related to public roads within the state, county, and municipal road system. Such roads may not be considered in the calculation of ownership of land when trying to determine if more than 70 percent of the land is owned by entities which are not registered electors of the area proposed to be annexed pursuant to subsection (5) of section 171.0413, Florida Statutes.⁷⁴

CONTRACTION

In 1991, the AG opined that a municipality may contract its boundaries or exclude certain property previously annexed into the city by following contracting procedures set forth in section 171.051, Florida Statutes. However, only those areas that do not meet the criteria for annexation may be proposed for exclusion by municipal governing bodies. Section 171.043, Florida Statutes, sets forth the criteria for annexation. Once a territory is excluded from a municipality, that land is no longer subject to any laws, regulations, or ordinances in force in the municipality from which it was excluded. The land is subject to all laws, regulations, and ordinances in force in the county.⁷⁵

In December 1998, the AG opined that a municipality may not contract an undeveloped and unimproved island that is surrounded on all sides by incorporated property because the property meets the annexation requirements of section 171.043, Florida Statutes.⁷⁶ In addition, although the contraction

would not create an enclave due to the property being undeveloped or unimproved, the contraction has the same effect of an enclave because it frustrates the purpose of the Municipal Annexation and Contraction Act by creating a pocket of unincorporated land within municipal boundaries.

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CHAPTER 4

CITY/COUNTY CONSOLIDATIONS

SUMMARY

This chapter discusses the constitutional and statutory provisions relating to the consolidation of city and county governments. It provides a brief history of constitutional activity relating to the consolidation of city and county governments. This chapter also provides a list of those governments that have attempted to consolidate in Florida since 1967.

HISTORY OF CITY/COUNTY CONSOLIDATIONS

Consolidation involves combining city and county governments so that the boundaries of the county and an affected city or cities become the same. Consolidation can be total or partial. Total consolidation occurs where all independent governmental units within a county are assimilated into the consolidated government. When some of the governments remain independent, the consolidation is partial.

All jurisdictions need not participate in the consolidation effort. Consolidation also does not automatically preclude the later formation of new cities or special districts. When the consolidated government of Jacksonville/Duval County, Florida, was formed, for example, four cities retained their identity (Neptune Beach, Baldwin, Atlantic Beach, and Jacksonville Beach), but four special districts were eliminated and twelve more were consolidated into two dependent districts. Since that time, at least one new independent special district has been created within the geographic boundaries of the consolidated government.

Few successful city-county consolidations have occurred in the United States. Of the nearly 3,069 county governments in the United States, only 31 are combined city/county governments.⁷⁷ The successful consolidations are noted below in **Table 4.1**.

TABLE 4.1

APPROVED CITY/COUNTY MERGERS WITHIN UNITED STATES

CITY/COUNTY CONSOLIDATED GOVERNMENTS	MERGER DATE
New Orleans-Orleans Parish, Louisiana	1805
Nantucket Town-Nantucket County, Massachusetts	1821

Boston-Suffolk, Massachusetts	1821
Philadelphia-Philadelphia, Pennsylvania	1854
San Francisco-San Francisco County, California	1856
New York (5 Boroughs), New York	1890's
Denver-Denver County, Colorado	1902
Honolulu-Honolulu County, Hawaii	1907
Baton Rouge-East Baton Rough Parish, Louisiana	1947
Hampton-Elizabeth City County, Virginia*	1952
Newport News-Warwick County, Virginia*	1957
Chesapeake-South Norfolk-Norfolk County, Virginia*	1962
Virginia Beach-Princess Anne County, Virginia*	1962
Nashville-Davidson County, Tennessee	1962
Jacksonville-Duval County, Florida	1967
Juneau-Greater Juneau County, Alaska	1969

	MERGER
CITY/COUNTY CONSOLIDATED GOVERNMENTS	DATE
Carson City-Ormsby County, Nevada*	1969
Indianapolis-Marion County, Indiana	1969
Columbus-Muscogee County, Georgia	1970
Stika-Greater Sitka County, Alaska	1971
Lexington-Fayette County, Kentucky	1972
Suffolk-Nansemond County, Virginia*	1972
Anchorage-Greater Anchorage County, Alaska	1975
Anaconda-Deer Lodge County, Montana	1976
Butte-Silver Bow County, Montana	1976
Houma-Terrebonne Parish, Louisiana	1984
Lynchburg City-Moore County, Tennessee	1988
Athens-Clarke County, Georgia	1990
Lafayette-Lafayette Parish, Louisiana	1992
Augusta-Richmond County, Kansas	1995
Kansas City-Wyandotte County, Kansas	1997

*Denotes independent cities that historically are city-county consolidations.

Source: Questions and Answers on Consolidation by Peggy Beardslee, Research Assistant, July 1998

THE FLORIDA CONSTITUTION & CONSOLIDATION

Prior to 1934, the 1885 State Constitution was silent on the subject of consolidation. This lack of constitutional direction left many questions unanswered about the authority of the Legislature to enact statutes consolidating city and county governments. Consequently, to avoid potential legal challenges, the Legislature began specifically authorizing consolidation efforts by constitutional amendment.

The 1933 Legislature passed a joint resolution to amend the constitution specifically declaring its own power to establish a municipal corporation consolidating the governments of Duval County and any of the municipalities within its boundaries, subject to referendum approval of the affected voters.⁷⁸ The electorate of Florida adopted this amendment in 1934. However, the voters of the City of Jacksonville and Duval County did not adopt a municipal charter pursuant to this constitutional provision until 1967.⁷⁹

In 1935, the Legislature enacted a joint resolution to amend the constitution, adopted by the Florida electorate in 1936, establishing similar legislative authority, subject to voter approval, with respect to Key West and Monroe County.⁸⁰ The citizens of Key West and Monroe County have not voted to utilize this authority and enact consolidated government.

In 1965, the Legislature passed a constitutional amendment, adopted by the Florida electorate in 1966, authorizing consolidation in Hillsborough County in a slightly different manner. This constitutional provision directly authorizes the electors of Hillsborough County to adopt a county charter, conditioned upon the consolidation of the governments of the City of Tampa and the county.⁸¹ This authority has not been utilized. Hillsborough County, however, became a charter county pursuant to general law in 1983.⁸²

So far, only Duval County and the City of Jacksonville have taken advantage of the specific constitutional authority to consolidate. However, the enabling amendments to the 1885 Constitution for the consolidation of the City of Key West and Monroe County, and the consolidation of the City of Tampa and Hillsborough County, remain a part of the 1968 State Constitution, as amended in January 1999, adopted by reference in Art. VIII, section 6(e).

The 1941 Legislature authorized the voters of Miami-Dade County to enact a home rule charter through an amendment to the 1885 State Constitution.⁸³ This constitutional provision did not authorize consolidation as authorized for the other three counties. It did empower the electors of Miami-Dade County through their charter to: 1) create a central metropolitan government; 2) merge, consolidate, and abolish all municipal corporations, county, or district governments in the county; and 3) provide a method by which any and all of the functions or powers of any municipal corporation or other governmental entity in Miami-Dade County may be transferred to the board of county commissioners.

General authority for consolidation is provided in section 3, Art. VIII of the State Constitution. Under this section, city/county consolidations may only occur through a consolidation plan passed by special act of the Legislature and subject to approval of the electorate. Voter approval may be obtained via a single countywide referendum or through a separate referendum election held in each affected political jurisdiction. The consolidation plan cannot require new

residents to be responsible for old debts, unless they benefit from the facility or service for which the indebtedness was incurred.

FLORIDA STATUTES SPECIFICALLY ADDRESSING CONSOLIDATED GOVERNMENTS

Several general laws uniquely affect consolidated governments. These statutes fall into three broad categories: Retirement and pension rights, taxation and finance, and export trade. These statutes apply to the consolidated government of Jacksonville/Duval County and, in some cases, Miami-Dade County. However, these provisions could apply to any other governments that consolidate.

RETIREMENT AND PENSION RIGHTS

Section 112.0515, Florida Statutes, protects the rights of all public employees in any retirement or pension fund. Public employees' benefits or other pension rights may not be diminished, impaired, or reduced by reason of city/county consolidation or other types of governmental reorganization.

In addition to protecting pension and retirement benefits, the law in subsections 121.081 (f) and (g), Florida Statutes, lays out the conditions under which past service or prior service may be claimed and credited for purposes of calculating retirement benefits. For officers and employees of any county or city involved in a consolidation, the following conditions apply:

- Employees participating in a local retirement system of any county or city involved in a consolidation may elect to switch over to the Florida Retirement System. Employer contributions must continue at required rates.
- Past-service credit will be given.
- Membership in a state retirement system will be protected for officers or employees of a consolidated government enrolled in the system on May 15, 1976.

TAXATION AND FINANCE

There are several statutes that financially affect consolidated governments. These laws relate generally to:

- Millage determination
- Local option taxes
- Revenue sharing

For purposes of the determination of their millage rates for ad valorem taxing purposes, the governments of Miami-Dade County and the consolidated

government of Jacksonville/Duval County are defined as county governments.⁸⁴ Except for voted levies, cities and counties are constitutionally limited to a millage cap of 10 mills for municipal purposes and 10 mills for county purposes. However, since consolidated governments provide both municipal and county services, section 200.141, Florida Statutes, grants Miami-Dade and consolidated Jacksonville/Duval Counties the right to levy a millage up to 20 mills on the dollar of assessed valuation. When these counties consider their assessed millage rates based upon city and county services, they must balance their tax levies so that the millage rate for city/county services taken together is no more than 20 mills.

In terms of local option taxes, consolidated governments may levy most taxes other local governments are authorized to levy. They are also specifically authorized to levy a convention development tax on transient rentals by passage of an ordinance. Revenues generated by such a tax must be used to build or improve/enlarge publicly owned convention centers, including stadiums, exhibition halls, arenas, coliseums, or auditoriums. This convention development tax is now levied in consolidated Jacksonville/Duval County.⁸⁵ Also, the 1985 Legislature authorized the transit system surtax subject to voter referendum or charter amendment. The surtax has only been levied in consolidated Jacksonville/Duval County, which adopted a 0.5% surtax in January 1, 1989. A similar referendum failed in Miami-Dade County in 1978.⁸⁶

Finally, under the Florida Revenue Sharing Act of 1972 (part II of chapter 218, Florida Statutes), cities and counties share in revenues generated from taxes on cigarettes, intangibles, and motor fuels. Subsection 218.245 (d), Florida Statutes, provides separate formulas for calculating the shares that consolidated counties and eligible cities receive; therefore, consolidated Jacksonville/Duval County is provided with a separated revenue sharing funding formula under Florida Law.⁸⁷

EXPORT TRADE

Section 125.025, Florida Statutes, provides that each county that operates under a government consolidated with one or more municipalities in the county has the power to:

- own, maintain, operate, and control export trading companies and foreign sales corporations as provided by the laws of the United States;
- own maintain, operate, and control cargo clearance centers and customs clearance facilities and corporations established for the purpose of providing or operating such facilities;
- maintain the confidentiality of trade information to the degree provided by the Export Trading Company Act of 1982, Pub. L. No. 97-290, as it is amended from time to time;

- maintain the confidentiality of trade information and data pursuant to the patent laws of the United States, the patent laws of foreign nations (to the extent that they are enforced by the courts of the United States), the copyright laws of the United States, the copyright laws of foreign nations (to the extent that they are enforced by the courts of the United States), and the trade secrets doctrine; and
- authorize airport and port employees to serve as officers and directors of export trading companies, foreign sales corporations, and customs and cargo clearance corporations.

FLORIDA CONSOLIDATION ACTIVITY

There has been no successful consolidation activity in Florida since the consolidation of Duval County and the City of Jacksonville in 1967. Despite the perceived benefits of streamlining governmental processes, and the Legislature's attempts to simplify the process, Floridians have consistently rejected consolidation proposals at the polls. Below is a list of failed attempts at consolidation in Florida since 1967, along with a vote count, where data is available.

1967 Tampa/Hillsborough County
(County: 11,400 for/28,800 against)

1970 Pensacola/Escambia County
(County: 4,550 for/22,600 against)
(City: 5,350 for/7,700 against)

1970 Tampa/Hillsborough County
(County: 37,250 for/51,550 against)

1971 Tallahassee/Leon County
(County: 10,400 for/14,750 against)

1972 Ft. Pierce/St. Lucie County
(County: 3,000 for/6,500 against)
(City: 2,050 for/2,250 against)

1972 Tampa/Hillsborough County
(County: 54,700 for/74,900 against)

1973 Tallahassee/Leon County
(County: 11,050 for/12,850 against)

1975 Gainesville/Alachua County
(County: 5,100 for/15,100 against)

- 1976 Gainesville/Alachua County
(County: 6,300 for/13,250 against)
- 1976 Tallahassee/Leon County
(County: 20,350 for/24,850 against)
- 1979 Okeechobee/Okeechobee County
(County: 1,150 for/2,350 against)
- 1985 Halifax area/Volusia County
(County: 19,050 for/23,450 against)
- 1989 Okeechobee/Okeechobee County
(County: 1,350 for/3,100 against)
- 1990 Gainesville/Alachua County
(County: 11,000 for/21,800 against)
- 1991 Tallahassee/Leon County
(County: 36,800 for/55,800 against)

In addition to the consolidation attempts that went to referendum, there have been a few efforts that stopped short of the ballot in Brevard, Charlotte, Columbia, Hardee, Highlands, and St. Lucie Counties.

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CHAPTER 5

SPECIAL DISTRICTS

SUMMARY

This chapter provides a definition of special districts, explaining the distinction between dependent and independent special districts. The chapter provides a brief history of special districts including the Uniform Special District Accountability Act of 1989 and other statutory and constitutional provisions regarding special districts. The chapter discusses how and by whom special districts are created; special procedures for inactive districts, the merger and dissolution of special districts; and the role of the Department of Community Affairs. Finally, the chapter outlines the many special district functions; their statutory authority; and the special districts created by the Legislature since 1990.

SPECIAL DISTRICTS DEFINED

Special districts are local units of special purpose government restricted to a limited boundary. They are created by general law, special act, local ordinance, interlocal agreement, or by rule of the Governor and Cabinet. Special districts provide specific municipal services in addition to or in place of those provided by a general purpose local government (a municipality or county).

Special districts do not include:

- general purpose local governments (cities and counties);
- school districts;
- community colleges;
- Seminole and Miccosukee Tribe Special Improvement Districts;
- municipal service taxing or benefit units;
- boards which provide electrical service and are political subdivisions of a municipality or are part of a municipality; and
- entities with governing boards that do not have policy-making powers, such as advisory boards.

Special districts are either dependent or independent.

WHAT MAKES A SPECIAL DISTRICT DEPENDENT?

Dependent special districts are distinguished as districts that have at least one of the following characteristics:

- A governing body that is identical to the governing body of a single county or municipality;
- Governing board members that are appointed by a single county or municipal governing board;
- A governing body whose members may be removed at will by a single county or municipality governing board; or
- A budget that must be approved or vetoed by a single county or municipality.

WHAT MAKES A SPECIAL DISTRICT INDEPENDENT?

An independent special district does not meet at least one of the four characteristics of a dependent special district. A distinguishing feature of an independent special district is that, to some extent, the governing board and/or budget is independent from any one local municipal or county government.

Districts situated in more than one county are independent unless the district lies wholly within the boundaries of a single municipality (section 189.403(3), Florida Statutes). If a multi-county special district is completely within the boundaries of a single municipality, it is classified as dependent.

HISTORY OF SPECIAL DISTRICTS IN FLORIDA

EARLY CREATION OF SPECIAL DISTRICTS

Special districts have been part of Florida's history for a long time. In 1822, a territorial council governed Florida. One of the first Session Laws of the Legislative Council was an act dated September 13, 1822, relating to roads, highways, and ferries. The act authorized, by a petition procedure, the creation of special districts for establishing and maintaining public roads

In 1845, the Legislature created the Alachua Savannah Drainage District in Alachua County. The district was empowered to assess the landowners who would benefit from the improvements.

Over the next several decades, special districts continued to be established by both special and general law. The types of districts authorized by general law grew continually until they eventually included drainage, water management, water and sewer, beach and shore preservation, mosquito control, and hospital districts.

LEGISLATIVE SCRUTINY OF SPECIAL DISTRICTS

In 1972, approximately 1,200 districts were identified; however, the exact number was unknown. The 1972 Commission on Local Government investigated the role of special districts in Florida. Commission staff reported that "special districts have been 'invisible government,' virtually unidentifiable." One of the

Commission's recommendations was that the Legislature, except for specific chapters, repeals all general law enabling legislation for creation of special districts.

During the 1970's, other concerns were raised about these "phantom units of government" and the lack of special district accountability. Newspaper articles were written about illegal tax levies and the misuse of bond proceeds by special districts. The Formation of Local Governments Act, chapter 165, Florida Statutes, was enacted in 1974. Except for counties with a home rule charter, this act was designed to provide the exclusive procedure for forming special districts. A charter for creation of a special district could only be adopted by special act of the Legislature or by ordinance of a county or municipal governing body having jurisdiction over the affected area.

That same year, chapter 125, Florida Statutes, mentioned the creation of special districts within the home rule powers and duties granted to counties. Chapter 165, Florida Statutes, was subsequently amended by the Special District Disclosure Act of 1979. The 1979 act required special districts to register and report financial and other activities locally and to the Department of Community Affairs.

Meanwhile, special districts created for land development activities, capital improvements, and the delivery of urban community development services received Legislative attention. In 1975, the Legislature enacted the New Communities Act of 1975, to address these limited multi-purpose districts. This act was located in chapter 163, Florida Statutes. It was subsequently replaced by chapter 190, Florida Statutes, the Uniform Community Development District Act of 1980.

In 1978, the State Board of Administration urged the Legislature to review laws governing the creation and powers of special districts. Among other things, the Board's resolution recommended changes that would "assure that a continued proliferation of independent governing bodies does not occur."

ADOPTION OF THE 1989 UNIFORM SPECIAL DISTRICTS ACCOUNTABILITY ACT

In 1980, the Legislature took a more intensive look at special districts. The House Committee on Community Affairs published a report on independent special districts and, among other things, recommended:

- Restriction on county and city creation of districts to dependent districts only.
- Repeal of creation procedures in conflict with chapter 165, Florida Statutes.
- Repeal of special district election procedures in conflict with the Florida Election Code.

- Administration of special district bond funds by a court approved trustee.

A detailed 3-year study by the Florida Advisory Council on Intergovernmental Relations culminated in published reports in 1987. From 1987 through 1989, the House Committee on Community Affairs proposed legislation to bring uniformity and accountability to the creation and operation of special districts.

In 1989, the Florida Legislature passed chapter 189, Florida Statutes (also known as the Uniform Special District Accountability Act of 1989). This Act sets forth the general provisions for all special districts, although it excludes certain types of special districts from certain sections. The Act addresses such provisions as the creation, operation, financial reporting, taxation/assessments, elections, definition, compliance with general law provisions (e.g., Government-in-the-Sunshine), and comprehensive planning of special districts.

THE ADDITION OF NEIGHBORHOOD IMPROVEMENT DISTRICTS

In the 1990's, the Legislature and local government entities continued to create new special districts, such as conservation districts, downtown redevelopment authorities, and community development districts to address Florida's growing public service needs. Special district legislation was proposed during the 1992, 1995, and 1996 Sessions of the Legislature. Although some of this legislation was unsuccessful, chapter 96-324, Laws of Florida, did become law. This bill related to the financial affairs of local governments, including special districts. This legislation amended sections 189.4035, 189.4085, 189.412, 189.418, 189.419, and 189.427, Florida Statutes.

These revisions to chapter 189, Florida Statutes, made grammatical improvements, deleted obsolete language, and lessened the responsibilities of the Special Districts Information Program (SDIP). The decrease in SDIP responsibilities related to newly formed and changing special districts, scheduled board meetings, and bond criteria information. The changes slightly altered the prescribed distribution of the Official List of Special Districts, and authorized nominal fines against special districts that fail to comply with reporting requirements or pay a required fee.

The 1995 Legislature authorized local governments, by ordinance, to establish a new type of dependent special district. The act, relating to Neighborhood Preservation and Enhancement Districts, is located within Chapter 163, Part IV, Florida Statutes. It authorizes particular types of neighborhood improvement districts.

REVISED PROVISIONS FOR LOCAL GOVERNMENT FINANCIAL AUDITS

In 1996, the City of Miami declared itself in a state of financial emergency pursuant to statute.⁸⁸ Soon thereafter media attention was focused on other Florida local governments that may have been in a state of financial emergency.⁸⁹ Subsequently, the Auditor General notified the Governor's Office and the Legislative Auditing Committee of other audits reports indicating local

government financial emergencies. In November 1996, at the request of the Governor's Office, the Florida Government Finance Officers Association initiated a multi-disciplinary task force to address the issues involving the determination of financial emergencies for units of local government in Florida. The Local Government Financial Emergency Task Force issued a final report following its last meeting in January 1997. The recommendations of that report were considered in legislation enacted by the 1997 Legislature.

The 1997 Legislature enacted CS/HB 1683, codified as Chapter 97-255, Laws of Florida. The Act revised numerous statutory provisions relating to governmental financial audits. The Act also revised many sections of the Special District Accountability Act of 1989 and conformed related statutes to those revisions.

Further statutory revisions followed in the 1998 Legislative Session with the enactment of CS/HB 3269 relating to Special Districts, codified at Chapter 98-320, Laws of Florida.

2000 STATUTORY CHANGES: ENACTMENT OF THE COMMUNITY IMPROVEMENT AUTHORITY ACT

The 2000 Legislature enacted ch. 2000-348, Laws of Florida, creating Sections 189.430-189.444, Florida Statutes, known as the Community Improvement Authority Act. This Act prescribes a uniform procedure for establishing independent authorities for the purpose of planning, financing, constructing, renovating, developing, operating, and maintaining tourism-oriented facilities within highly populated counties of the state and within counties contiguous to such counties.

A community improvement authority may be created within each county that has population of not less than 1.5 million. Miami-Dade and Broward Counties currently qualify under these requirements. For Broward County, no authority shall be established and no authority shall have jurisdiction or exercise any powers within the county without an approving ordinance adopted by the county's governing body.

The Act requires a charter for each created authority, including provisions for governing boards, staff, budgets, powers and duties, bonding authority, and contracts. The Act provides an exemption from taxation for bonds and other obligations of indebtedness issued under the act.

REVISIONS REGARDING ANNEXATIONS

The 2000 Legislature amended chapter 171, F.S., and created the Municipal Annexation and Independent Special Districts sections of law.

Section 171.093, Florida Statutes, was created to address municipal annexation of property within the boundary of an independent special district that levies ad valorem taxes. It was an effort to isolate, on a limited basis, independent special

districts from the annexation activity going on in the state. Oftentimes, independent special districts receive no protection from annexing municipalities, even though the district continues to be liable for its debts. As an independent special district's tax base continues to decrease due to annexations, the district may become economically inefficient and unstable. A situation may arise where an independent special district no longer has any property within its boundaries due to annexations. This section provides a method of allowing independent special districts to factor the decreased property base into its budget, while at the same time not restricting municipalities' ability to annex.

An orderly transition is provided for so that special district service responsibilities to an annexing municipality are achieved in an equitable manner. Upon annexation of property within a special district's boundaries, a municipality has the option to elect the assumption of the special service responsibilities. If the municipality elects to assume the responsibilities, the municipality and special district may enter into an interlocal agreement to address the transition. If no interlocal agreement can be reached, then the district remains the service provider in the annexed area for a period of four years. During this time, the municipality pays the district an amount equal to the ad valorem taxes or assessment that would have been collected had the property remained in the district. At the end of the four years, or other agreed upon extension, the municipality and district must enter into an agreement regarding the transfer of district property located within the municipality. If no agreement is reached, then the parties proceed to circuit court. District service and capital expenditures within the annexed area must be rationally related to the annexed area's service needs. Service and capital expenditure must also be related to received revenues. In addition, a district is prohibited from having a capital expenditure of more than \$25,000 for use primarily within the annexed area without the express consent of the municipality.

If the municipality does not elect to assume district responsibilities, the district continues providing service to the annexed area. In addition, the annexed area remains within the district's boundaries. Finally, the district is allowed to continue assessing user charges and impact fees within the annexed area while it remains the service provider. However, these annexation provisions do not apply to community development districts and water management districts.

2001 STATUTORY CHANGES: FURTHER REVISIONS RELATING TO SPECIAL DISTRICTS

The 2001 Legislature amended section 189.402(2), F.S., by enacting ch. 2001-196, Laws of Florida. This section provides relief to those inactive independent special districts that were created by a county or municipality through a referendum that do not have ad valorem taxing powers. These independent special districts may be dissolved by the county or municipality after publication of notice declaring the inactive status of the district once a week for 2 weeks. In

addition, these independent special districts are not required to have a concomitant referendum election approving the dissolution.

An independent special district that was created by a county or municipality through a referendum or other procedure may be merged or dissolved by the county or municipality that created the district pursuant to the same procedure by which the independent district was created. The number of weeks that notice of declaration of inactive status must be published was reduced from 4 to 2 weeks.

To address some expressed concerns and uncertainty about the effect of existing law re-enacted pursuant to the required codification of a special district's charter under section 189.429, Florida Statutes, a clarification is provided stating that the mere re-enactment of existing law as part of the codification process, which simply compiles the various components of a special district's charter into a single special act, does not grant additional authority, supersede authority, or affect obligations of any special district with respect to bonded indebtedness.

In addition, several special district reporting requirements and streamlined audit compliance processes were revised or eliminated. Sections 189.418(3) and 189.418(4), Florida Statutes, which require each special district to file certain reports, information, and audits with the local governing authority were repealed. In addition, section 218.34, Florida Statutes, was amended to delete a provision that allows a proposed budget of a dependent special district to be budgeted separately and deletes a requirement that the proposed budget of an independent special district located solely within one county be filed with the county.

CONSTITUTIONAL PROVISIONS

LOCAL TRANSFER OF POWERS

Section 4, Art. VIII of the State Constitution provides for the transfer of any function or power of a county, municipality, or special district to another county, municipality, or special district. A transfer is proposed by law or by resolution of the governing bodies of the affected governments. The transfer also requires approval by the electors of the involved local governments or occurs as otherwise provided by law.

PLEDGING CREDIT AND REVENUE BONDS

Section 10, Art. VII of the State Constitution prohibits special districts, as well as other local governmental bodies, from becoming "a joint owner with, or stockholder of, 'or giving, lending, or using' taxing power or credit to aid any corporation, association, partnership or person." There are, however, certain exceptions to the prohibition including the issuance and sale of revenue bonds. Sections 10 and 12, Art. VII of the State Constitution allow special districts, as well as other local governmental bodies, to issue bonds and certificates of indebtedness.

LOCAL TAXES

Section 9, Art. VII of the State Constitution contains taxing provisions relating to counties, school districts, municipalities and special districts. Special districts may be authorized by law to levy ad valorem taxes and may be authorized to levy other taxes by general law. Except for specific provisions for water management purposes, special districts can levy any millage authorized by law and approved by vote of the electors.

HOW AND BY WHOM ARE SPECIAL DISTRICTS CREATED?

CITY/COUNTY CREATIONS

A dependent special district may only be created by an ordinance of a county or municipality having jurisdiction over the affected area. A county creating a dependent special district within the boundary lines of the county must have the approval of the incorporated area affected. Municipalities creating dependent special districts may do so within the boundary lines of the municipality. The ordinance creating the district(s) must include several statements, including but not limited to:

- The purpose, powers, functions, and duties of the district;
- The geographic boundary limitations of the district;
- The authority of the district;
- An explanation of why the district is the best alternative;
- The membership, organization, compensation, and administrative duties of the governing board;
- The applicable financial disclosure, noticing, and reporting requirements;
- The methods for financing the district; and
- A declaration that the creation of the district is consistent with the approved local government comprehensive plans.

Some county charters may also contain provisions that limit the creation of special districts or their activities.

Prior to the enactment of chapter 189, Florida Statutes, the Legislature passed special acts creating dependent special districts. However, most of these were transferred in 1989 to local ordinance authority. If one of those dependent districts created by special act of the Legislature and not converted to local ordinance wants to amend its charter, it cannot do so at the local level. Like independent districts with a special act charter, the legislature must pass a local bill amending the district's enabling legislation.

In 1992, chapter 92-129, Laws of Florida, contained a provision that repealed all special acts establishing dependent special districts that provide fire control or

rescue services. These special acts became ordinances of the applicable controlling county or municipality, subject to re-enactment, modification, or repeal as other ordinances.

LEGISLATIVE CREATION OF INDEPENDENT SPECIAL DISTRICTS

Independent special districts are created by the Legislature, unless general law provides otherwise. Each special district is considered a unit of local government or local governmental entity and involves a limited geographic area of the State; accordingly, the creation of a special district by the Legislature requires passage of a special act or general law of local application.

Section 189.404, Florida Statutes, spells out the minimum requirements for creating independent special districts. Special laws creating special districts must not purport to exempt the district from, among other things, specific election, bond reporting, and notice requirements. Additionally, the charters of these legislatively created special districts must address and disclose certain information about the purpose, powers, functions, and financing of the district.

Compliance with these minimum requirements is mandatory. Otherwise, special laws or general laws of local application that create independent special districts are prohibited. The prohibition was enacted pursuant to section 11(a)(21), Art. III of the State Constitution, and can be overcome by a three-fifths vote of the membership of each house of the Legislature.

CRITERIA FOR CREATING INDEPENDENT SPECIAL DISTRICTS

Special acts creating independent special districts cannot exempt the district from general law requirements regarding:

- general requirements and procedures for elections;
- bond referenda requirements;
- bond issuance reporting requirements;
- public facilities reports; and
- notice, meetings, and other required reports and audits.

A statement must be submitted to the Legislature that documents:

- the purpose of the proposed district;
- the authority of the proposed district; and
- an explanation of why the district is the best alternative.

In addition, a resolution or official statement is required of the appropriate local governing body in which the proposed district is located affirming that:

- the creation of the proposed district is consistent with approved local government plans of the local governing body; and
- the local government has no objection to the creation of the proposed district.

Minimum contents of the charters of independent special districts created by special act include:

- The district's purpose.
- The district's powers, duties, and functions regarding:
 - ad valorem taxation
 - bond issuance
 - revenue raising capabilities
 - budget preparation and approval
 - liens and foreclosure of liens
 - use of tax deeds and tax certificates for non-ad valorem assessments contractual agreements
- The methods for establishing the district.
- The method for amending the district's charter.
- The membership and organization of the district's governing board. Districts whose boards are elected on a one-acre/one-vote basis are required to have five board members, with three of those members constituting a quorum.
- The maximum compensation of the district's governing board members.
- The administrative duties of the district's governing board
- The financial disclosure, noticing, and reporting requirements for the district.
- The procedures and requirements for issuing bonds, if the district has such authority.
- The district's election and referenda procedures and the qualifications to be a district elector.
- The district's financing methods.
- The authorized millage rate for a district authorized to levy ad valorem taxes, except for taxes levied for the payment of bonds and taxes levied for periods not longer than two years when authorized by vote of the electors of the district.

- The methods for collecting non-ad valorem assessments, fees, or service charges.
- Planning requirements.
- Geographic boundary limitations.

The charter may refer to other general law provisions that address the charter requirements, e.g., fire districts may refer to the provisions of chapter 191, Florida Statutes.

In addition to these extensive requirements for local bills creating independent special districts, other criteria mandated by the Florida constitution must be fulfilled. All local bills, regardless of the subject matter, must comply with local bill notice requirements.

NON-LEGISLATIVE CREATION OF INDEPENDENT SPECIAL DISTRICTS

Under certain circumstances, the creation of certain types of independent special districts without legislative involvement is authorized by general law. If the specific statutory requirements are complied with, the Governor and Cabinet, a municipality or county, or a regional combination of cities and counties can initiate the creation of certain special districts.

The Governor and Cabinet, acting as the Florida Land and Water Adjudicatory Commission, may establish a chapter 190, Florida Statutes, community development district (CDD) of 1,000 acres or more. The Secretary of the Department of Environmental Protection may also approve an agreement between local governmental units establishing regional water supply authorities.

By local ordinance, a county may create several types of independent special district including:

- juvenile welfare boards/funding for children's services (section 125.901, Florida Statutes);
- county health or mental health care special districts/funding for indigent health care services (section 154.331, Florida Statutes);
- public hospital districts (chapter 155, Florida Statutes);
- community development districts of less than 1,000 acres (section 190.005, Florida Statutes); and
- neighborhood improvement districts (chapter 163, Part IV, Florida Statutes).

A municipality or county may adopt an ordinance establishing a community development district of less than 1,000 acres. In fact, the exclusive and uniform method for a CDD of less than 1,000 acres is by county or municipal ordinance (section 190.005(2), Florida Statutes).

Any combination of two or more counties may establish a regional jail (section 950.001, Florida Statutes). Any combination of two or more counties, municipalities, or other political subdivisions may establish a regional transportation authority (section 163.567, Florida Statutes). Furthermore, with Governor and Cabinet approval, any combination of two or more counties or municipalities may create a water supply authority.

SPECIAL PROCEDURES FOR INACTIVE DISTRICTS

The responsibility for declaring a district inactive is placed with the DCA by filing a report with the Legislature. A district may be declared inactive based upon a finding that:

- It meets one of the following criteria:
 - The district has taken no action for 2 years;
 - The district has not had a governing board meeting or a sufficient number of governing board members to constitute a quorum for 18 months or more;
 - The district failed to file or make a good faith effort to file any of the required reports required by section 189.419, Florida Statutes; or
 - The district failed, for 2 consecutive years, to pay fees assessed by the SDIP pursuant to chapter 189, Florida Statutes.
- A published notice of the proposed declaration is published once a week for 2 weeks in a newspaper of general circulation in the affected area which notice must include certain things described to include claims against the assets of the district; such objections or claims filed not later than 60 days following the last date of publication; and
- Sixty days have elapsed from the last publication date of the notice of proposed declaration and no sustained objections have been filed.

If the district has liabilities, they are subject to the legal process for payment. If, after payment of any district debts of the inactive district, there remains property or assets, they escheat to the county or municipality where the district was located. If it is necessary to levy taxes on the property in order to pay the debts of the district, the local general-purpose government is authorized to accomplish that task.

The Department of Community Affairs is responsible for notifying the Speaker of the House of Representatives and the President of the Senate of each special act creating or amending the charter of any special district declared to be inactive. The declaration serves as sufficient notice as required by section 10, Art. III of the State Constitution for the Legislature to repeal any special laws so reported. Special districts declared inactive must be dissolved by repeal of its enabling laws.

MERGER AND DISSOLUTION OF DEPENDENT AND INDEPENDENT DISTRICTS

Dependent districts may only be dissolved or merged by the governing board of the local governing body where the geographical area of the district(s) is located. There is no longer a statutory method for petition for dissolution. A county may not dissolve a district that is dependent to a municipality or vice versa or a dependent district created by special act.

If a dependent or independent district was created by special act of the Legislature, the merger or dissolution must be accomplished by special act unless general law specifies otherwise.

The dissolution of a district signals a transfer to the local general-purpose government of title to all property and/or indebtedness of the district, unless provisions are required otherwise by general law or ordinance.

If an independent district was created by a county or municipality, the county or municipality that created it may merge or dissolve the district. If an independent district was created with voter approval, then the merger or dissolution must also have voter approval. However, those inactive independent special districts that were created by a county or municipality through a referendum that do not have ad valorem taxing powers may be dissolved by the county or municipality after publication of notice declaring the inactive status of the district once a week for 2 weeks. In addition, these independent special districts are not required to have a concomitant referendum election approving the dissolution. These merger and dissolution procedures do not apply to water management districts or community development districts.

THE ROLE OF THE DEPARTMENT OF COMMUNITY AFFAIRS

The Department of Community Affairs' Special Districts Information Program (SDIP) serves as a state clearinghouse to administer the provisions of chapter 189, Florida Statutes. The DCA publishes the Official List of Special Districts annually. This publication lists all the special districts in Florida. The first list was compiled and printed in 1990, and is updated annually, October 1. The SDIP also publishes and periodically updates a comprehensive manual on special districts called the Florida Special District Handbook. The most recent edition of this manual is dated October 2, 2000. Although the department is no longer responsible for sponsoring the biennial conference on special districts, pursuant to section 189.405(5), Florida Statutes, the department may provide, contract for, or assist in conducting education programs, as its budget permits, for all newly elected or appointed members of district boards. The education programs shall include, but are not limited to, courses on the code of ethics for public officers and employees, public meetings and public records requirements, public finance, and parliamentary procedure. Course content may be offered by means of the following: videotapes, live seminars, workshops, conferences, teleconferences, computer-based training, multimedia presentations, or other available instructional methods.

An individual district board, at its discretion, may pay the costs associated with educating its members. Board members of districts that have qualified for a zero annual fee for the most recent invoicing period pursuant to section 189.427, Florida Statutes, are not required to pay a fee for any education programs the department provides, contracts for, or assists in conducting.

SPECIAL DISTRICT FUNCTIONS AND STATUTORY AUTHORITY

Although chapter 189, Florida Statutes, authorizes special districts formation and activities, other statutes apply to specific types of special districts. The 2003 Official List of Special Districts lists the following functions of special districts with the specific statutory authority, if any.

Function (State Total)	Statutory Authority	Function (State Total)	Statutory Authority
Airport/Aviation (26)	Ch. 332, F.S.	Housing Finance (28)	Ch. 159, Part IV, F.S.
Ambulance	No General Law	Industrial Development (27)	Ch. 159, Part III, F.S.
Animal Control	No General Law	Inlet Maintenance (3)	No General Law
Aquatic Plant Control (0)	No General Law	Juvenile Welfare (7)	No General Law
Arts (3)	No General Law	Library (29)	Section 125.901 F.S.
Beach and Shore (4)	Section 161.31, F.S.	Lighting (3)	No General Law
Beautification (1)	No General Law	Market	No General Law
Capital Finance (3)	No General Law	Mobile Home Parks (4)	No General Law
Children/Welfare (9)	Section 125.901, F.S.	Mosquito Control (19)	Section 418.30, F.S.
Civic Center (7)	No General Law	Municipal Services/Improvements (21)	Section 388.021, F.S.
Code Enforcement	Section 553.80, F.S.	Natural Gas Transmission Pipelines	Special Act
Community Development (212)	Ch. 190, F.S.	Navigation (13)	Section 403.9405, F.S.
Community Improvement (0)	Section 189.430, F.S.	Neighborhood Improvement (41)	Ch. 374, F.S.
Community Redevelopment (139)	Ch. 163, Part III, F.S.	Nursing Home (1)	Ch. 163, F.S.
Commuter Rail (3)	Ch. 343, F.S.	Parking (1)	No General Law
Conservation and Erosion (9)	No General Law	Personnel (2)	No General Law
County Development (11)	No General Law	Planning and Zoning (2)	No General Law
<u>Distribution Pipelines (3)</u>	<u>Section 403.9405, F.S.</u>	Port (15)	No General Law
Downtown Development (17)	No General Law	Recreation (24)	Ch. 315, F.S.
Economic Development (7)	No General Law	Research and Development (6)	Section 418.20, F.S.
Education/ Research/ Training (1)	No General Law	Soil and Water Conservation (64)	Ch. 159, Part V, F.S.
Educational Facilities (10)	Ch. 243, Part II, F.S.	Solid Waste (8)	Ch. 582, F.S.
Emergency Medical Services (4)	No General Law	Spaceport Florida (0)	No General Law
Environmental Protection (6)	No General Law	Sports (4)	Ch. 331, Part II, F.S.
Expressway and Bridge (20)	Ch. 348, F.S.	Subdivision (47)	No General Law

Fire Control and Rescue (67)	Ch. 191; Section 633.15, F.S.	Transportation, Regional/ Metropolitan (9)	No General Law
Health Care (5)	Section 154.331, F.S.	Utility (6)	Ch. 163, F.S.
Health Facilities (33)	Ch. 154, Part III, F.S.	Water and Sewer (25)	No General Law
Historic Preservation (1)	Ch. 266, F.S. Water Control (98)	Water Control (95)	Section 153.53, F.S.
Hospital District (34)	Ch. 155, F.S.	Water Management (5)	Section 298.01, F.S.
Housing Authority (91)	Ch. 421, F. S.	Water Supply (15)	Section 373.069, F.S.

This list demonstrates the large scope and variety of governmental functions that are handled by special districts in the state. The list varies from year to year and may not contain all functions districts serve. Prior to 1989, other types of districts such as utility authorities, lighting district and environmental protection districts were created by the legislature.

CREATION OF SPECIAL DISTRICTS BY THE LEGISLATURE SINCE 1990

For several years following enactment of the Uniform Special District Accountability Act of 1989, no new independent districts were created. Beginning in 1994, however, the Legislature enacted several special acts creating several new districts. A district popularly known as the Blockbuster Park Special District was created effective with the adoption of local ordinances by the city and counties in the district's proposed boundaries. This legislation was repealed by chapter 95-344, Laws of Florida.

In addition, the 1994 Legislature amended chapter 380, Florida Statutes, to create the Green Swamp Land Authority for an area of critical state concern within Polk and Lake Counties. Other special acts creating districts that year were:

- Broward County Education, Research and Training Authority (chapter 94-431, Laws of Florida)
- Cold Springs Improvement District, Marion County (chapter 94-452, Laws of Florida)
- Clay County Utility Authority, Clay & Duval Counties (chapter 94-491, Laws of Florida)

Again in 1996, the Legislature enacted chapter 96-507, Laws of Florida, establishing the Gasparilla Island Bridge Authority in Lee and Charlotte Counties. This multi-county independent special district was established to manage the Boca Grande Bridge and Causeway.

In 1999, the Legislature enacted chapter 99-482, Laws of Florida, establishing the West Orange Airport Authority in Orange County. The district was established to be a general aviation airport in West Orange County whose purpose is the sound planning development and maintenance of an airport for the area, including incidental industry and business.

In 2000, the Legislature enacted:

- The West Manatee Fire and Rescue District in Manatee County (chapter 2000-401, Laws of Florida);
- The Lealman Special Fire Control District in Pinellas County (chapter 2000-426, Laws of Florida); and
- The East Lake Tarpon Fire control District in Pinellas County (chapter 2000-477, Laws of Florida).

Chapter 2000-401, Laws of Florida, created a new independent fire control district in Manatee County known as the West Manatee Fire & Rescue District. The new district's boundaries consist of the jurisdictional boundaries of the former Anna Maria Fire Control District and the Westside Fire Control District. The law also transferred all assets and liabilities of the Anna Maria Fire Control District and the Westside Fire Control District to the West Manatee Fire & Rescue District (New District). In addition, all special acts relating to Anna Maria Fire Control District and the Westside Fire Control District were repealed, thus dissolving those two districts.

Chapter 2000-426, Laws of Florida, created the Lealman Special Fire Control District as a new independent fire control district in Pinellas County. The new district's boundaries consist of the jurisdictional boundaries of an existing municipal service taxing unit which contracts for services and Lealman Fire and Rescue, Inc., a not for profit corporation.

Chapter 2000-477, Laws of Florida, authorized the East Lake Tarpon Fire Control District in Pinellas County, which was approved at referendum. The new district's boundaries consist of the jurisdictional boundaries of an existing municipal service taxing unit which contracts for services with the East Lake Fire and Rescue, Inc., a not for profit corporation. (The district's creation was effective when approved by a majority vote of those qualified electors at referendum.)

In 2001, the Legislature did not create any new independent special districts. Chapter 2001-319, Laws of Florida, provides for the separation of the Jacksonville Airport and Seaport Authorities and re-establishes them as county authorities. The Jacksonville Port Authority, a dependent special district, created by special act in 1963, was abolished.

In 2002, the Legislature created the Key Largo Wastewater Treatment District, chapter 2002-337, Laws of Florida. The District is an independent special district created to assume existing wastewater management powers and duties from the Florida Keys Aqueduct Authority for a portion of the Authority's existing geographical area.

FOR FURTHER INFORMATION

Special District Information Program
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100
(850) 922-5431
<http://www.floridaspecialdistricts.org/>

APPENDIX A: FLORIDA STATUTES RELATING TO LOCAL GOVERNMENT

Summary

The following is a listing of all the Florida Statutes relating to local government. The listing is grouped by category beginning with statutes that relate to all local governments. All local governments include cities, counties and special districts. If a statute relates to more than one local government, such as cities and counties, the statute is listed under each applicable category. A multiple listing may also occur for those statutes that relate to a local government, but are also fiscal issues. The second listing will be under the local government fiscal issues category. Finally, those statutes that include specific language regarding local bill policies and procedures are listed under a separate category.

All Local Governments

Chapter 11	Legislative, Organization, Procedures, and Staffing
Chapter 22	Emergency Continuity Of Government
Chapter 50	Legal and Official Advertisements
Chapter 73	Eminent Domain
Chapter 74	Proceedings Supplemental To Eminent Domain
Chapter 85	Enforcement Of Statutory Liens
Chapter 97	Qualification and Registration Of Electors
Chapter 98	Registration Office, Officers, and Procedures
Chapter 99	Candidates, Campaign Expenses, and Contesting Elections
Chapter 100	General, Primary, Bond, and Referendum Elections
Chapter 101	Voting Methods and Procedure
Chapter 102	Conducting Elections and Ascertaining The Results
Chapter 104	Election Code: Violations; Penalties
Chapter 106	Campaign Financing
Chapter 111	Public Officers: General Provisions
Chapter 112	Public Officers and Employees: General Provisions
Chapter 119	Public Records
Chapter 162	County Or Municipal Code Enforcement
Chapter 163	Intergovernmental Programs
Chapter 164	Governmental Disputes
Chapter 186	State and Regional Planning
Chapter 187	State Comprehensive Plan
Chapter 218	Financial Matters Pertaining To Political Subdivisions

Chapter 228	Public Education: General Provisions
Chapter 252	Emergency Management
Chapter 274	Tangible Personal Property Owned By Local Government
Chapter 290	Urban Redevelopment
Chapter 333	Airport Zoning
Chapter 337	Contracting, Acquisition, Disposal, and Use Of Property
Chapter 339	Transportation Finance and Planning
Chapter 365	Use Of Telephones and Facsimile Machines
Chapter 367	Water and Wastewater Systems
Chapter 373	Water Resources
Chapter 374	Navigation Districts; Waterways Development
Chapter 380	Land and Water Management
Chapter 388	Mosquito Control
Chapter 403	Environmental Control
Chapter 418	Recreation
Chapter 419	Community Residential Homes
Chapter 420	Housing
Chapter 421	Public Housing
Chapter 553	Building Construction Standards
Chapter 633	Fire Prevention and Control
Chapter 705	Lost Or Abandoned Property

Counties

Chapter 7	County Boundaries
Chapter 11	Legislative, Organization, Procedures, and Staffing
Chapter 22	Emergency Continuity Of Government
Chapter 30	Sheriffs
Chapter 34	County Courts
Chapter 44	Mediation Alternatives To Judicial Action
Chapter 50	Legal and Official Advertisements
Chapter 73	Eminent Domain
Chapter 74	Proceedings Supplemental To Eminent Domain
Chapter 85	Enforcement Of Statutory Liens
Chapter 86	Declaratory Judgments
Chapter 97	Qualification and Registration Of Electors
Chapter 98	Registration Office, Officers, and Procedures
Chapter 99	Candidates, Campaign Expenses, and Contesting Elections
Chapter 100	General, Primary, Bond, and Referendum Elections
Chapter 101	Voting Methods and Procedure
Chapter 102	Conducting Elections and Ascertaining The Results
Chapter 104	Election Code: Violations; Penalties
Chapter 106	Campaign Financing
Chapter 111	Public Officers: General Provisions
Chapter 112	Public Officers and Employees: General Provisions

Chapter 119	Public Records
Chapter 122	State and County Officers and Employees Retirement System
Chapter 124	Commissioners' Districts
Chapter 125	County Government
Chapter 127	Right Of Eminent Domain To Counties
Chapter 129	County Annual Budget
Chapter 130	County Bonds
Chapter 136	County Depositories
Chapter 137	Bonds Of County Officers
Chapter 138	County Seats
Chapter 142	County Fine and Forfeiture Fund
Chapter 145	Compensation Of County Officials
Chapter 153	Water and Sewer Systems
Chapter 154	Public Health Facilities
Chapter 155	Hospitals
Chapter 157	Drainage by Counties
Chapter 162	County Or Municipal Code Enforcement
Chapter 163	Intergovernmental Programs
Chapter 164	Governmental Disputes
Chapter 177	Land Boundaries
Chapter 186	State and Regional Planning
Chapter 187	State Comprehensive Plan
Chapter 206	Motor and Other Fuel Taxes
Chapter 228	Public Education: General Provisions
Chapter 235	Educational Facilities
Chapter 252	Emergency Management
Chapter 274	Tangible Personal Property Owned By Local Government
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APPENDIX B: COUNTIES IN FLORIDA

County	Cities	Year Established
Alachua	Alachua Archer Gainesville* Hawthorne High Springs La Crosse Micanopy Newberry Waldo	1824
Baker	Glen St. Mary Macclenny*	1861
Bay	Callaway Cedar Grove Lynn Haven Mexico Beach Panama City Panama City Beach Parker Springfield	1913
Bradford	Brooker Hampton Lawtey Starke*	1858
Brevard	Cape Canaveral Cocoa Cocoa Beach Indialantic Indian Harbour Beach Malabar Melbourne Melbourne Beach Melbourne Village Palm Bay Palm Shores Rockledge Satellite Beach Titusville*	1844

County	Cities	Year Established
	West Melbourne	
Broward	Coconut Creek Cooper City Coral Springs Dania Davie Deerfield Beach Fort Lauderdale* Hallandale Hillsboro Beach Hollywood Lauderdale-By-The-Sea Lauderdale Lakes Lauderhill Lazy Lake Village Lighthouse Point Margate Miramar North Lauderdale Oakland Park Parkland Pembroke Park Pembroke Pines Plantation Pompano Beach Sea Ranch Lakes Southwest Ranches Sunrise Tamarac Weston Wilton Manors	1915
Calhoun	Altha Blounstown*	1838
Charlotte	Punta Gorda*	1921
Citrus	Crystal River Inverness*	1887
Clay	Green Cove Springs* Keystone Heights Orange Park Penney Farms	1858
Collier	Everglades City Marco Island Naples*	1923

County	Cities	Year Established
Columbia	Fort White Lake City	1832
De Soto	Arcadia*	1887
Dixie	Cross City* Horseshoe Beach	1921
Duval	Atlantic Beach Baldwin Jacksonville* Jacksonville Beach Neptune Beach	1822
Escambia	Century Pensacola*	1821
Flagler	Beverly Beach Bunnell* Flagler Beach Marineland Palm Coast	1917
Franklin	Apalachicola* Carrabelle	1832
Gadsden	Chattahoochee Greensboro Gretna Havana Midway Quincy*	1823
Gilchrist	Bell Fanning Springs Trenton*	1925
Glades	Moore Haven*	1921
Gulf	Port St. Joe* Wewahitchka	1925
Hamilton	Jasper* Jennings White Springs	1827
Hardee	Bowling Green Wauchula* Zolfo Springs	1921
Hendry	Clewiston La Belle*	1923
Hernando	Brooksville* Weeki Wachee	1843

County	Cities	Year Established
Highlands	Avon Park Lake Placid Sebring*	1921
Hillsborough	Plant City Tampa* Temple Terrace	1834
Holmes	Bonifay* Esto Noma Ponce De Leon Westville	1848
Indian River	Fellsmere Indian River Shores Orchid Sebastian Vero Beach*	1925
Jackson	Alford Bascom Campbellton Cottondale Graceville Grand Ridge Greenwood Jacob City Malone Marianna* Sneads	1822
Jefferson	Monticello*	1827
Lafayette	Mayo*	1856
Lake	Astatula Clermont Eustis Fruitland Park Groveland Howey-In-The-Hills Lady Lake Leesburg Mascotte Minneola Monteverde Mount Dora Tavares*	1887

County	Cities	Year Established
	Umatilla	
Lee	Bonita Springs Cape Coral Fort Myers* Fort Myers Beach Sanibel	1887
Leon	Tallahassee	1824
Levy	Bronson* Cedar Key Chiefland Fanning Springs Inglis Otter Creek Williston Yankeetown	1845
Liberty	Bristol*	1855
Madison	Greenville Lee Madison*	1827
Manatee	Anna Maria Bradenton* Bradenton Beach Holmes Beach Longboat Key Palmetto	1855
Marion	Belleview Dunnellion McIntosh Ocala* Reddick	1844
Martin	Jupiter Island Ocean Breeze Park Sewall's Point Stuart*	1925
Miami-Dade	Aventura Bal Harbour Bay Harbor Islands Biscayne Park Coral Gables El Portal Florida City Golden Beach	1836

County	Cities	Year Established
	Hialeah Hialeah Gardens Homestead Indian Creek Village Islandia Key Biscayne Medley Miami* Miami Beach Miami Shores Miami Springs North Bay Village North Miami North Miami Beach Opa-locka Pinecrest South Miami Sunny Isles Beach Surfside Sweetwater Virginia Gardens West Miami	
Monroe	Islamorada Key Colony Beach Key West* Layton Marathon	1823
Nassau	Callahan Fernandina Beach* Hilliard	1824
Okaloosa	Cinco Bayou Crestview* Destin Fort Walton Beach Laurel Hill Mary Ester Niceville Shalimar Valparaiso	1915
Okeechobee	Okeechobee*	1917
Orange	Apopka Bay Lake Belle Isle	1824

County	Cities	Year Established
	Eatonville Edgewood Lake Buena Vista Maitland Oakland Ocoee Orlando* Windermere Winter Garden Winter Park	
Osceola	Kissimmee* St. Cloud	1887
Palm Beach	Atlantis Belle Glade Boca Raton Boynton Beach Briny Breezes Cloud Lake Delray Beach Glen Ridge Golf Village Greenacres City Gulf Stream Haverhill Highland Beach Hypoluxo Juno Beach Jupiter Jupiter Inlet Colony Lake Clarke Shores Lake Park Lake Worth Lantana Manalapan Magnolia Park North Palm Beach Ocean Ridge Panokee Palm Beach Palm Beach Gardens Palm Beach Shores Palm Springs Riviera Beach	1909

County	Cities	Year Established
	Royal Palm Beach South Bay South Palm Beach Tequesta Village Wellington West Palm Beach*	
Pasco	Dade City* New Port Richey Port Richey Saint Leo San Antonio Zephyrhills	1887
Pinellas	Belleair Belleair Beach Belleair Bluffs Belleair Shores Clearwater* Dunedin Gulfport Indian Rocks Beach Indian Shores Kenneth City Largo Madeira Beach North Reddington Beach Oldsmar Pinellas Park Reddington Beach Reddington Shores Safety Harbor St. Petersburg St. Pete Beach Seminole South Pasadena Tarpon Springs Treasure Island	1911
Polk	Auburndale Bartow* Davenport Dundee Eagle Lake Fort Meade Frostproof	1861

County	Cities	Year Established
	Haines City Highland Park Hillcrest Heights Lake Alfred Lake Hamilton Lake Wales Lakeland Mulberry Polk City Winter Haven	
Putnam	Crescent City Interlachen Palatka* Pomona Park Welaka	1849
St. Johns	Hastings Marineland St. Augustine* St. Augustine Beach	1821
St. Lucie	Fort Pierce* Port St. Lucie St. Lucie Village	1844
Santa Rosa	Gulf Breeze Jay Milton*	1842
Sarasota	Longboat Key (part) North Port Sarasota* Venice	1921
Seminole	Altamonte Springs Casselberry Lake Mary Longwood Oviedo Sanford* Winter Springs	1913
Sumter	Bushnell* Center Hill Coleman Webster Wildwood	1853
Suwannee	Branford	1858

County	Cities	Year Established
	Live Oak*	
Taylor	Perry*	1856
Union	Lake Butler* Raiford Worthington Springs	1921
Volusia	Daytona Beach Daytona Beach Shores DeBary DeLand* Deltona Edgewater Flagler Beach Holly Hill Lake Helen New Smyrna Beach Oak Hill Orange City Ormond Beach Pierson Ponce Inlet Port Orange South Daytona	1854
Wakulla	Crawfordville* St. Marks Sopchoppy	1843
Walton	DeFuniak Springs* Freeport Paxton	1824
Washington	Caryville Chipley* Ebro Vernon Wausau	1825

* Denotes county seat

Source: University of Florida, Bureau of Economic and Business Research, College of Business Administration, 1999 Florida Estimates of Population, 1999, pp. 7-21.

APPENDIX C: COUNTY & CITY NAME ORIGINS

Summary

Provided below are brief notes on the origins of the names of the counties and many cities in Florida. Counties are described first, followed by cities.

County Name Origins

Alachua (1824) -- either Muskogee or Timucua word for sinkhole.

Baker (1861) -- James McNair Baker, Fourth Municipal District, Confederate Senator.

Bay (1913) -- St. Andrews Bay on which the county borders.

Bradford (1861) was *New River, 1858-1861* -- Captain Richard Bradford, killed at the Battle of Santa Rosa Island during Civil War.

Brevard (1855) was *St. Lucia 1844-1855* -- Doctor Ephriam Brevard, writer of the so-called Mecklenberg (N.C.) Declaration of Independence, or Theodore Washington Brevard, state comptroller, 1854, 1855-1860.

Broward (1915) -- Napoleon Bonaparte Broward, governor 1905-1909.

Calhoun (1838) -- John C. Calhoun, U.S. Senator from South Carolina.

Charlotte (1921) -- The Bay of Charlotte Harbor.

Citrus (1887) -- Citrus trees.

Clay (1858) -- Henry Clay, U.S. Senator from Kentucky.

Collier (1923) -- Barron Collier, landowner and developer.

Columbia (1832) -- Christopher Columbus, discovered America.

De Soto (1887) -- Hernando de Soto, Spanish explorer.

Dixie (1921) -- Lyric term for the South.

Duval (1822) -- William P. DuVal, territorial governor, 1822-1834.

Escambia (1821) -- Escambia River and Spanish for "barter" or "exchange."

Flagler (1971) -- Henry M. Flagler, East Coast railroad builder

Franklin (1832) -- Benjamin Franklin, scientist and author.

Gadsden (1823) -- James Gadsden of South Carolina, aide-de-camp of Jackson in Florida campaign of 1818.

Gilchrist (1925) -- Albert W. Gilchrist, governor, 1909-1913.

Glades (1921) -- Everglades.

Gulf (1925) -- Gulf of Mexico.

Hamilton (1827) -- Alexander Hamilton, Secretary of U.S. Treasury.

Hardee (1921) -- Cary A. Hardee, governor, 1921-1925.

Hendry (1923) -- Captain Francis A. Hendry, one of the first settlers.

Hernando (1843) was Benton, 1844-1850 -- Hernando de Soto, Spanish explorer.

Highlands (1921) -- Highland terrain.

Hillsborough (1834) -- Wills Hill, Viscount Hillsborough of England.

Holmes (1848) -- Thomas J. Holmes of North Carolina who settled in the area about 1830.

Indian River (1925) -- Indian River.

Jackson (1822) -- Andrew Jackson, President, U.S., 1829-1837.

Jefferson (1827) -- Thomas Jefferson, President, U.S., 1801-1809.

Lafayette (1856) -- Marquis de Lafayette, French officer who served with Washington in the American Revolution.

Lake (1887) -- The large number of lakes in the area.
Lee (1887) -- General Robert E. Lee

Leon (1824) -- Juan Ponce de Leon, discoverer of Florida.

Levy (1845) -- David Levy (Yulee) U. S. Senator, 1845-1851, 1855-1861.

Liberty (1855) -- Name applied to common objective of American people.

Madison (1827) -- James Madison, President, U.S., 1809-1817.

Manatee (1855) -- The sea cow, or manatee.

Marion (1844) -- General Francis Marion, Revolutionary War Hero.

Martin (1925) -- John W. Martin, Governor, 1925-1929.

Miami-Dade (1836) -- Major Francis L. Dade, killed at the Dade Massacre, 1835. Dade County, which has the constitutional right to change its name (See Article VIII, Section 8), became Miami-Dade County on November 13, 1997 after voters approved the name change.

Monroe (1824) -- James Monroe, President, U.S., 1817-1825.

Nassau (1823) -- Duchy of Nassau, Germany.

Okaloosa (1915) -- Choctaw Indian words oka (water) and lusa (black).

Okeechobee (1917) -- Hitchiti words oki (water) and chobi (big).

Orange (1845) -- *was Mosquito, 1824-1845* -- Oranges.

Osceola (1887) -- The Indian leader Osceola ("Singer of the Black Drink").

Palm Beach (1909) -- Palms and beaches.

Pasco (1887) -- Samuel Pasco, U.S. Senator, 1887-1899.

Pinellas (1911) -- Pinta Pinal or Point of Pines.

Polk (1861) -- James K. Polk, President, U.S., 1845-1849.

Putnam (1849) -- Either for Israel Putnam, Revolutionary hero, or Benjamin A. Putnam, officer in Seminole War and unsuccessful candidate, U. S. House of Representatives, 1815.

St. Johns (1821) -- St. John the Baptist.

St. Lucie (1844) -- St. Lucy of Syracuse, Roman Catholic Saint.

Santa Rosa (1842) -- Rosa de Viterbo, Roman Catholic Saint.

Sarasota (1921) -- from Calusa Indian language, meaning not known, but perhaps "Point of Rocks."

Seminole (1913) -- Seminole Indians, thought to be derived from Spanish word cimarron, meaning "wild" or "runaway."

Sumter (1853) -- General Thomas Sumter, Revolutionary War hero.

Suwannee (1858) -- is either Cherokee sawani, meaning "echo river," or corruption of Spanish San Juan.

Taylor (1856) -- Zachary Taylor, President, U.S., 1849-1851.

Union (1921) -- Unity.

Volusia (1854) -- An English settler, Volus.

Wakulla (1843) -- Probably Timucuan Indian word for "spring of water."

Walton (1824) -- George Walton, Secretary, Territorial Florida, 1821-1826.

Washington (1825) -- George Washington, President, U.S., 1789-1797.

City Name Origins

Altamonte Springs: Seminole Co. -- Altamonte is Spanish for "high hill."

Anna Maria Island: Manatee Co. -- Ponce de Leon was said to have named the island for the queen of King Charles II, the sponsor of his expedition. Pronunciation is often disputed, most prefer Anna Mar-EE-a, but the old timers like Anna Mar-EYE-a.

Apalachicola: Franklin Co. -- probably of Hitchiti "apalahchi" (on the other side) and "okli" (people), therefore "those people residing on the other side, shore, or river."

Arcadia: De Soto Co. -- Named in honor of Arcadia Albritton, daughter of pioneer settlers, who baked a birthday cake for Rev. James Hendry. In appreciation he named the town after her.

Belle Glade: Palm Beach Co. -- *was originally known as the Hillsborough Canal Settlement.* When the inhabitants requested their own post office a new name was necessary. One day a tourist, on a trip to the area, said that the

Hillsborough Canal Settlement was "the belle of the glades." It was later voted on and became the official name.

Blountstown: Calhoun Co. -- Named for John Blount, a Seminole Indian and the distinguished chief of the Indian tribe who occupied the reservation that was just east of the area.

Boca Raton: Palm Beach Co. -- The Spanish words "Boca de Ratones" mean rat's mouth, a term used by seamen to describe a hidden rock that a ship's cable might rub against.

Bonifay: Holmes Co. -- Named for a prominent old family in the vicinity.

Brooksville: Hernando Co. -- Named after Congressman Preston Brooks of South Carolina.

Cape Canaveral: Brevard Co. -- Canaveral is the Spanish word for "a place of reeds or cane."

Cedar Key: Levy Co. -- Named for the abundant growth of cedar trees that originally covered the island.

Chattahoochee: Gadsden Co. -- The name was taken from the well-known river in Georgia. The name itself is from Muskogee "chato"(rock) and "huchi" (marked).

Chipley: Washington Co. -- Named in honor of Colonel William D. Chipley, a railroad official.

Clearwater: Pinellas Co. -- The town was first called Clear Water Harbor, because of a spring of water that bubbles up in the Gulf of Mexico close to shore, making the water in the vicinity clear. The harbor was later dropped from the name.

Cross City: Dixie Co. -- Two public roads crossed at this point, one coming from Perry to old Archer and the other from Branford to Horseshoe. W. H. Mathis, who decided the name, wanted the location to be thought of as more than a crossroads.

Crystal River: Citrus Co. -- The correct translation of the name is "weewahiiaca" which is derived from Seminole-Creek Indians "wiwa" (water), "haiyayaki (clear, shining).

Dade City: Pasco Co. -- Named for Maj. Francis Langhorne Dade, a U.S. Army officer killed by Seminoles. The Dade Massacre triggered the start of the second Seminole War.

Daytona Beach: Volusia Co. -- Named after its founder Mathias Day.

DeFuniak Springs: Walton Co. -- Colonel Fred Defuniak, an official of the Louisville and Nashville Railroad, gave his name to the town.

Fernandina Beach: Nassau Co. -- Fernandina was the early name of Cuba. Fernandina claims to be the oldest city in the United States.

Flagler Beach: Flagler Co. -- Names honors Henry M. Flagler.

Fort Lauderdale: Broward Co. -- Named for Maj. William Lauderdale.

Fort Myers: Lee Co. -- Named for Gen. Abraham Charles Myers, a distinguished officer in the U.S. Army.

Fort Pierce: St. Lucie Co. -- Named for Lt. Colonel Benjamin Kendrick Pierce, the brother of President Franklin Pierce, the fort was the headquarters of the Army of the South under General Jesup.

Fort Walton Beach: Okaloosa Co. -- Named after the fort that was established here during the Seminole Wars.

Frostproof: Polk Co. -- It was named by cowboys who brought cattle to the region during the winter months because of the absence of frost.

Gainesville: Alachua Co. -- Named for Gen. Edmund Pendleton Gaines, who led the capture of Aaron Burr.

Green Cove Springs: Clay Co. -- The St. Johns River curves here and is sheltered by trees that are perennially green.

Groveland: Lake Co. -- *Originally called Taylorville*, it was renamed Groveland due to the large number of citrus groves in the region.

Haines City: Polk Co. -- *was first known as Clay Cut*. The name was later changed to Haines City, in honor of a railroad official named Colonel Henry Haines.

Hialeah: Dade Co. -- Of Muskogee origin "haiyakpo" (prairie) and "hili" (pretty).

High Springs: Alachua Co. -- It was named this because a spring was located atop a hill within the town. The spring no longer exists.

Hillsborough River or Locktsapopka: Hillsborough Co. -- The Indian name of the stream came from the Muskogee "lokchia" (acorns) and "papka" (eating place) - the place where the acorns are eaten.

Hollywood: Broward Co. -- It was established as *Hollywood-by-the-Sea* by its founder, Joseph W. Young of California.

Homosassa: Citrus Co. -- Muskogee "homo" (pepper) and "sasi" (is there) - the place where the wild pepper grows.

Indian Rocks Beach: Pinellas Co. -- A number of large rocks along the shore gave the community its name.

Inverness: Citrus Co. -- Named by a Scotch settler for the ancient capital of the Scottish Highlands.

Islamorada: Monroe Co. - It is Spanish for "purple island."

Jacksonville: Duval Co. -- Two of the Spanish names for the area can be translated as "pass of San Nicolas." It was also called "the place where the cows cross" by the Timucuan Indians.

Jasper: Hamilton Co. -- Named in memory of Sgt. William Jasper, Revolutionary War hero, who rescued the American flag during the British assault on Ft. Sullivan, now Ft. Moultrie.

Key West: Monroe Co. -- It is the westernmost island extending from the Florida peninsula. It was originally called Bone Island by the early Spanish explorers because they found large quantities of human bones.

LaBelle: Hendry Co. -- Named by Capt. Francis Ausbury Hendry for his two daughters, Laura and Belle.

Lake Butler: Union Co. -- Named for Colonel Robert Butler, who received the surrender to East Florida from the Spanish.

Lake City: Columbia Co. -- *was Alligator* -- Renamed by an act of the legislature to its present form because of the myriad of lakes that surround the area.

Lakeland: Polk Co. -- So named because of the nineteen lakes within the city limits.

Largo: Pinellas Co. -- Named for Lake Largo nearby. Largo is the Spanish word for "big" or "long."

Longboat Key: Sarasota Co. -- The exact origin of this name has been lost but a longboat is the largest boat carried by a merchant sailing vessel.

Macclenny: Baker Co. -- Named after H.C. Macclenny, who owned large tracts of land in the vicinity.

MacDill A.F.B.: Hillsborough Co. -- Named in honor of Colonel Leslie MacDill, who was killed in an air crash near Washington, D.C.

Maderia Beach: Pinellas Co. -- Named for Maderia, Portugal's wine producing island off of Africa. The word itself means "wood."

Madison: Madison Co. -- *First called Hickstown*, after the Seminole Indian Chief John Hicks; *later known as Newton*. But the mail kept coming addressed to Madison C.H. (meaning the courthouse of Madison Co.) so they dropped the C.H. and used Madison as the name of the town.

Marianna: Jackson Co. -- Named for the daughters of the original owners of the site, the Beveridges.

Mayo: Lafayette Co. -- Named after James Mayo, a colonel who had been in charge of the Confederate Army. He delivered a speech in the area on the Fourth of July. The settlers were so impressed by him that they named the community after him.

Miami: Dade Co. -- comes from Mayaimi (a lake - now Lake Okeechobee) which means "very large."

Micanopy: Alachua Co. -- Head chief of the Seminoles in the Seminole War; it means "head chief."

Monticello: Jefferson Co. -- Named for the historic Virginia home of Thomas Jefferson.

Moore Haven: Glades Co. - Named for its founder, James A. Moore.

Naples: Collier Co. -- Named for Naples, Italy.

Ocala: Marion Co. - The literal meaning of this Indian word is "heavily clouded," perhaps beyond discovery.

Opa Locka: Dade Co. -- Refers to a hammock located within the present limits of the city. The source is Muskogee "opilwa" (swamp) and "lako" (big), though the usual combination is "opillakpo."

Orlando: Orange Co. -- There are several different versions to the origin of Orlando's name; however, the official story is that it is named in honor of Orlando Reeves. Orlando Reeves was on sentinel duty for a camping party. While they were sleeping, an Indian attempted to penetrate the camp. Reeves saw the indian and fired on him, but not before the Indian shot an arrow killing Reeves.

Palatka: Putnam Co. -- Its name is derived from the Muskogee work "pilotaikita" which means "ferry," "ford," or "crossing." Palatka was a major trading post on the St. Johns River.

Panama City: Bay Co. -- George West, the original developer of the town, named it Panama City because it is in a direct line between Chicago and Panama City, Panama.

Pensacola: Escambia Co. -- Most likely derivation of the name is from a tribe called Pansfalaya or long-haired people in Choctaw.

Punta Gorda: Charlotte Co. -- The Spanish words for "wide point" or "fat point," which was in reference to the arm of land jutting into Charlotte Bay near the present city.

Quincy: Gadsden Co. -- Named in honor of John Quincy Adams who was Secretary of State of the U.S. at the time of establishment.

Sanibel: Lee Co. -- The name is thought to be a combination of health and beauty.

Sebring: Highlands Co. - Named for George Sebring, a pottery manufacturer of Sebring, Ohio.

Silver Springs: Marion Co. -- Named for the celebrated spring, Florida's largest, whose crystal clearness inspired its name.

Sopchoppy: Wakulla Co. -- The name has been corrupted from "Lockchoppe," the former designation of a stream in Wakulla County, and the Muskogee word "lokchapi" which signifies the (red) oak; the word is composed of "lokcha" (acorn) and "api" (stem).

St. Augustine: St. Johns Co. -- The oldest continually settled city in the U.S. It was named by its founder, Pedro Menendez de Aviles, for St. Augustine, the Bishop of Hippo.

St. Petersburg: Pinellas Co. -- Called the **Sunshine City** but was named after one of the coldest, great cities of the world - Russia's St. Petersburg.

Starke: Bradford Co.-- Named after Gov. Starke Perry of Florida or after Thomas Starke, a slaveholder who purchased the land around the area.

Steinhatchee: Taylor Co. -- The name is derived from the Muskogee "ak" (down), "isti" (man), and "hatchee" (creek) - Dead man's creek.

Stuart: Martin Co. --Named for Samuel C. Stuart, first telegraph operator and station agent, when the Florida East Coast Railroad was built across the St. Lucie River.

Tallahassee: Leon Co. - The name is derived from a Muskogee word meaning "old town."

Tarpon Springs: Pinellas Co. -- The name was said to have come from a remark from Mrs. Ormond Boyer, who while standing on the shore saw many fish leaping from the water, and exclaimed "see that tarpon spring," henceforth the name. However, the fish was not a tarpon, but a mullet.

Temple Terrace: Hillsborough Co. -- Named for the temple orange.

Titusville: Brevard Co. -- Established just after the Civil War by Colonel Henry T. Titus, who had been a fierce antagonist of John Brown in the struggle over Kansas which preceded the war.

Trenton: Gilchrist Co. - Named after Trenton, Tennessee by Ben Boyd, who served in the Confederate Army and who established a sawmill there.

Valparaiso: Okaloosa Co. -- Name taken from that of the city in Indiana, which in turn was named for the famous Chilean port. The word is Spanish for valley of paradise.

Venice: Sarasota Co. -- Named by Franklin Higley, an early settler who felt that the blue waters of the bays, rivers, and Gulf gave the place a resemblance to the famous Italian city.

Wauchula: Hardee Co. - The name may be derived from the Muskogee "wakka" (cow) and "hute" (house or tank).

Weeki Wachee Springs: Hernando Co. -- From the Muskogee words "wekiwa" (spring) and "chee" (little). Therefore you get little spring.

Wewahitchka: Gulf Co. -- This complex name believed to be derived from an unknown Indian language and meaning "water eyes." A perfect pair of eyes is formed by two oblong lakes along the edge of town; these are separated by a pronounced ridge that corresponds to the bridge of the nose.

Winter Haven: Polk Co. -- So called because it was considered a haven from the severe winters of the north. Also known as the City of a Hundred Lakes.

Winter Park: Orange Co. -- Named by Loring Chase and Oliver Chapman who were designing a town in the style of the New England town. They chose this name because the area was a "veritable park in winter."

Zephyrhills: Pasco Co. -- The name calls attention to the cooling breezes that blow over the hills in this section of the state.

SOURCE:

The Florida Department of State. Morris, Allen, ed. The Florida Handbook 1999-2000, Tallahassee, FL: The Peninsular Publishing Co., 1999, p. 435-449. The Florida Department of State. Division of Historical Resources 1999

APPENDIX D: CITIES IN FLORIDA**

CITY	COUNTY	YEAR INCORPORATED
Alachua	Alachua	1908
Alford	Jackson	1959
Altamonte Springs	Seminole	1920
Altha	Calhoun	1946
Anna Maria	Manatee	1926
Apalachicola	Franklin	1831
Apopka	Orange	1882
Arcadia	DeSota	1901
Archer	Alachua	1887
Astatula	Lake	1927
Atlantic Beach	Duval	1957
Atlantis	Palm Beach	1959
Auburndale	Polk	1911
Aventura	Miami-Dade	1995
Avon Park	Highlands	1913
Bal Harbour	Dade	1946
Baldwin	Duval	1876
Bartow	Polk	1882
Bascom	Jackson	1963
Bay Harbor Islands	Dade	1947
Bay Lake	Orange	1967
Bell	Gilchrist	1905
Belle Glade	Palm Beach	1928
Belle Isle	Orange	1924
Belleair	Pinellas	1925
Belleair Beach	Pinellas	1950
Belleair Bluffs	Pinellas	1963
Belleair Shore	Pinellas	1955
Belleview	Marion	1885
Beverly Beach	Flagler	1955
Biscayne Park	Dade	1933
Blountstown	Calhoun	1903
Boca Raton	Palm Beach	1925
Bonifay	Holmes	1886
<u>Bonita Springs</u>	<u>Lee</u>	<u>1999</u>
Bowling Green	Hardee	1907
Boynton Beach	Palm Beach	1920

CITY	COUNTY	YEAR INCORPORATED
Bradenton	Manatee	1903
Bradenton Beach	Manatee	1953
Branford	Suwanee	1961
Briny Breezes	Palm Beach	1963
Bristol	Liberty	1957
Bronson	Levy	1951
Brooker	Bradford	1952
Brooksville	Hernando	1880
Bunnell	Flagler	1928
Bushnell	Sumter	1911
Callahan	Nassau	1911
Callaway	Bay	1963
Campbellton	Jackson	1925
Cape Canaveral	Brevard	1963
Cape Coral	Lee	1970
Carrabelle	Franklin	1893
Caryville	Washington	1965
Casselberry	Seminole	1940
Cedar Grove	Bay	1951
Cedar Key	Levy	1923
Center Hill	Sumter	1925
Century	Escambia	1945
Chattahoochee	Gadsden	1921
Chiefland	Levy	1928
ChIPLEY	Washington	1906
Cinco Bayou	Okaloosa	1950
Clearwater	Pinellas	1915
Clermont	Lake	1916
Clewiston	Hendry	1925
Cloud Lake	Palm Beach	1951
Cocoa	Brevard	1895
Cocoa Beach	Brevard	1925
Coconut Creek	Broward	1967
Coleman	Sumter	1925
Cooper City	Broward	1959
Coral Gables	Dade	1925
Coral Springs	Broward	1963
Cottdale	Jackson	1905
Crescent City	Putnam	1911
Crestview	Okaloosa	1916
Cross City	Dixie	1924

CITY	COUNTY	YEAR INCORPORATED
Crystal River	Citrus	1903
Dade City	Pasco	1889
Dania	Broward	1904
Davenport	Polk	1915
Davie	Broward	1960
Daytona Beach	Volusia	1926
Daytona Beach Shores	Volusia	1960
Debary	Volusia	1993
Deerfield Beach	Broward	1925
DeFuniak Springs	Walton	1903
DeLand	Volusia	1882
Delray Beach	Palm Beach	1927
Deltona	Volusia	1995
Destin	Okaloosa	1985
Dundee	Polk	1925
Dunedin	Pinellas	1899
Dunnellon	Marion	1890
Eagle Lake	Polk	1921
Eatonville	Orange	1887
Ebro	Washington	1967
Edgewater	Volusia	1924
Edgewood	Orange	1924
El Portal	Dade	1937
Esto	Holmes	1963
Eustis	Lake	1881
Everglades	Collier	1953
Fanning Springs	Gilchrist/Levy	1965
Fellsmere	Indian River	1925
Fernandina Beach	Nassau	1825
Flagler Beach	Flagler	1925
Florida City	Dade	1914
Fort Lauderdale	Broward	1911
Fort Meade	Polk	1915
Fort Myers	Lee	1886
Fort Myers Beach	Lee	1995
Fort Pierce	St. Lucie	1901
Fort Walton Beach	Okaloosa	1941
Fort White	Columbia	1884
Freeport	Walton	1963
Frostproof	Polk	1921
Fruitland Park	Lake	1926

CITY	COUNTY	YEAR INCORPORATED
Gainesville	Alachua	1869
Glen Ridge	Palm Beach	1947
Glen Saint Mary	Baker	1958
Golden Beach	Dade	1929
Golf, Village of	Palm Beach	1957
Graceville	Jackson	1902
Grand Ridge	Jackson	1951
Green Cove Springs	Clay	1874
Greenacres	Palm Beach	1926
Greensboro	Gadsden	1911
Greenville	Madison	1907
Greenwood	Jackson	Unavailable
Gretna	Gadsden	1908
Groveland	Lake	1923
Gulf Breeze	Santa Rosa	1961
Gulf Stream	Palm Beach	1926
Gulfport	Pinellas	1910
Haines City	Polk	1914
Hallandale	Broward	1927
Hampton	Bradford	1870
Hastings	St. Johns	1913
Havana	Gadsden	1907
Haverhill	Palm Beach	1950
Hawthorne	Alachua	1881
Hialeah	Dade	1925
Hialeah Gardens	Dade	1948
High Springs	Alachua	1892
Highland Beach	Palm Beach	1949
Highland Park	Polk	1928
Hillcrest Heights	Polk	1923
Hilliard	Nassau	1947
Hillsboro Beach	Broward	1947
Holly Hill	Volusia	1902
Hollywood	Broward	1925
Holmes Beach	Manatee	1950
Homestead	Dade	1913
Horseshoe Beach	Dixie	1963
Howey-In-The Hills	Lake	1925
Hyopluxo	Palm Beach	1961
Indialantic	Brevard	1952
Indian Creek Village	Dade	1939

CITY	COUNTY	YEAR INCORPORATED
Indian Harbour Beach	Brevard	1955
Indian River Shores	Indian River	1953
Indian Rocks Beach	Pinellas	1956
Indian Shores	Pinellas	1949
Inglis	Levy	1956
Interlachen	Putnam	1888
Inverness	Citrus	1919
Islamorada	Monroe	1997
Islandia	Dade	1960
Jacksonville	Duval	1832
Jacksonville Beach	Duval	1937
Jacob City	Jackson	1983
Jasper	Hamilton	1858
Jay	Santa Rosa	1939
Jennings	Hamilton	1900
Juno Beach	Palm Beach	1953
Jupiter	Palm Beach	1925
Jupiter Inlet Colony	Palm Beach	1959
Jupiter Island	Martin	1953
Kenneth City	Pinellas	1957
Key Colony Beach	Monroe	1957
Key Biscayne	Dade	1991
Key West	Monroe	1828
Keystone Heights	Clay	1925
Kissimmee	Osceola	1883
La Belle	Hendry	1925
La Crosse	Alachua	1957
Lady Lake	Lake	1925
Lake Alfred	Polk	1918
Lake Buena Vista	Orange	1967
Lake Butler	Union	1897
Lake City	Columbia	1921
Lake Clarke Shores	Palm Beach	1957
Lake Hamilton	Polk	1925
Lake Helen	Volusia	1888
Lake Mary	Seminole	1973
Lake Park	Palm Beach	1921
Lake Placid	Highlands	1928
Lake Wales	Polk	1917
Lake Worth	Palm Beach	1913
Lakeland	Polk	1885

CITY	COUNTY	YEAR INCORPORATED
Lantana	Palm Beach	1921
Largo	Pinellas	1905
Lauderdale-By-The-Sea	Broward	1949
Lauderdale Lakes	Broward	1961
Lauderhill	Broward	1959
Laurel Hill	Okaloosa	1953
Lawtey	Bradford	1905
Layton	Monroe	1962
Lazy Lake Village	Broward	1953
Lee	Madison	1911
Leesburg	Lake	1875
Lighthouse Point	Broward	1956
Live Oak	Suwanee	1878
Longboat Key	Sarasota/Manatee	1955
Longwood	Seminole	1924
Lynn Haven	Bay	1913
Macclenny	Baker	1885
Madeira Beach	Pinellas	1951
Madison	Madison	1945
Maitland	Orange	1885
Malabar	Brevard	1962
Malone	Jackson	1911
Manalapan	Palm Beach	1931
Mangonia Park	Palm Beach	1947
<u>Marathon</u>	<u>Monroe</u>	<u>1999</u>
Marco Island	Collier	1997
Margate	Broward	1955
Marianna	Jackson	1825
Marineland	Flagler/St. Johns	1941
Mary Esther	Okaloosa	1946
Mascotte	Lake	1925
Mayo	Lafayette	1903
McIntosh	Marion	1913
Medley	<u>Miami-Dade</u>	1949
Melbourne	Brevard	1888
Melbourne Beach	Brevard	1923
Melbourne Village	Brevard	1957
Mexico Beach	Bay	1967
Miami	<u>Miami-Dade</u>	1896
Miami Beach	<u>Miami-Dade</u>	1915

CITY	COUNTY	YEAR INCORPORATED
<u>Miami Lakes</u>	<u>Miami-Dade</u>	<u>2000</u>
Miami Shores	Dade	1932
Miami Springs	Dade	1926
Micanopy	Alachua	1837
Midway	Gadsden	1986
Milton	Santa Rosa	1844
Minneola	Lake	1925
Miramar	Broward	1955
Monticello	Jefferson	1859
Montverde	Lake	1925
Moore Haven	Glades	1924
Mount Dora	Lake	1912
Mulberry	Polk	1901
Naples	Collier	1925
Neptune Beach	Duval	1912
New Port Richey	Pasco	1924
New Smyrna Beach	Volusia	1943
Newberry	Alachua	1909
Niceville	Okaloosa	1957
Noma	Holmes	1967
North Bay	Dade	1945
North Lauderdale	Broward	1963
North Miami	Dade	1927
North Miami Beach	Dade	1926
North Palm Beach	Palm Beach	1956
North Port	Sarasota	1959
North Reddington Beach	Pinellas	1953
Oak Hill	Volusia	1963
Oakland	Orange	1887
Oakland Park	Broward	1929
Ocala	Marion	1868
Ocean Breeze Park	Martin	1960
Ocean Ridge	Palm Beach	1931
Ocoee	Orange	1923
Okeechobee	Okeechobee	1915
Oldsmar	Pinellas	1936
Opa-Locka	Dade	1926
Orange City	Volusia	1882
Orange Park	Clay	1879
Orchid	Indian River	1965

CITY	COUNTY	YEAR INCORPORATED
Orlando	Orange	1875
Ormond Beach	Volusia	1880
Otter Creek	Levy	1969
Oviedo	Seminole	1925
Pahokee	Palm Beach	1923
Palatka	Putnam	1853
Palm Bay	Brevard	1956
Palm Beach	Palm Beach	1911
Palm Beach Gardens	Palm Beach	1959
Palm Beach Shores	Palm Beach	1947
<u>Palm Coast</u>	<u>Flagler</u>	<u>1999</u>
Palm Shores	Brevard	1959
Palm Springs	Palm Beach	1957
Palmetto	Manatee	1894
Panama City	Bay	1909
Panama City Beach	Bay	1959
Parker	Bay	1967
Parkland	Broward	1963
Paxton	Walton	1952
Pembroke Park	Broward	1959
Pembroke Pines	Broward	1960
Penney Farms	Clay	1927
Pensacola	Escambia	1824
Perry	Taylor	1903
Pierson	Volusia	1929
Pinecrest	Miami-Dade	1995
Pinellas Park	Pinellas	1914
Plant City	Hillsborough	1885
Plantation	Broward	1953
Polk City	Polk	1925
Pomona Park	Putnam	1894
Pompano Beach	Broward	1947
Ponce De Leon	Holmes	1963
<u>Ponce Port Inlet</u>	Volusia	1963
Port Orange	Volusia	1925
Port Richey	Pasco	1925
Port St. Joe	Gulf	1913
Port St. Lucie	St. Lucie	1961
Punta Gorda	Charlotte	1887
Quincy	Gadsden	1828
Raiford	Union	Unavailable

CITY	COUNTY	YEAR INCORPORATED
Reddick	Marion	1925
Reddington Beach	Pinellas	1944
Reddington Shores	Pinellas	1955
Riviera Beach	Palm Beach	1923
Rockledge	Brevard	1887
Royal Palm Beach	Palm Beach	1959
Safety Harbor	Pinellas	1917
St. Augustine	St. Johns	1822
St. Augustine Beach	St. Johns	1959
St. Cloud	Osceola	1911
St. Leo	Pasco	1891
St. Lucie Village	St. Lucie	1961
St. Marks	Wakulla	1963
St. Petersburg	Pinellas	1903
St. Pete Beach	Pinellas	1957
San Antonio	Pasco	1903
Sanford	Seminole	1877
Sanibel	Lee	1974
Sarasota	Sarasota	1902
Satellite Beach	Brevard	1957
Sea Ranch Lakes	Broward	1959
Sebastian	Indian River	1924
Sebring	Highlands	1929
Seminole	Pinellas	1970
Sewall's Point	Martin	1957
Shalimar	Okaloosa	1947
Sneads	Jackson	1894
Sopchoppy	Wakulla	1955
South Bay	Palm Beach	1941
South Daytona	Volusia	1951
South Miami	Dade	1926
South Palm Beach	Palm Beach	1955
South Pasadena	Pinellas	1955
<u>Southwest Ranches</u>	<u>Broward</u>	<u>2000</u>
Springfield	Bay	1951
Starke	Bradford	1870
Stuart	Martin	1914
Sunny Isles Beach	Miami-Dade	1997
Sunrise	Broward	1961
Surfside	Dade	1935
Sweetwater	Dade	1941

CITY	COUNTY	YEAR INCORPORATED
Tallahassee	Leon	1825
Tamarac	Broward	1963
Tampa	Hillsborough	1855
Tarpon Springs	Pinellas	1887
Tavares	Lake	1925
Temple Terrace	Hillsborough	1925
Tequesta Village	Palm Beach	1957
Titusville	Brevard	1886
Treasure Island	Pinellas	1955
Trenton	Gilchrist	1911
Umatilla	Lake	1904
Valparaiso	Okaloosa	1921
Venice	Sarasota	1925
Vernon	Washington	1925
Vero Beach	Indian River	1919
Virginia Gardens	Dade	1947
Waldo	Alachua	1907
Wauchula	Hardee	1907
Wausau	Washington	1963
Webster	Sumter	1900
Weeki Wachee	Hernando	1966
Welaka	Putnam	1947
Wellington	Palm Beach	1995
West Melbourne	Brevard	1959
West Miami	Dade	1949
West Palm Beach	Palm Beach	1894
Weston	Broward	1996
Westville	Holmes	1970
Wewahitchka	Gulf	1959
White Springs	Hamilton	1885
Wildwood	Sumter	1877
Williston	Levy	1929
Wilton Manors	Broward	1947
Windermere	Orange	1925
Winter Garden	Orange	1908
Winter Haven	Polk	1925
Winter Park	Orange	1887
Winter Springs	Seminole	1959
Worthington Springs	Union	1963
Yankeetown	Levy	1925
Zephyrhills	Pasco	1914

CITY	COUNTY	YEAR INCORPORATED
Zolfo Springs	Hardee	1913

Sources: Compiled by the Legislative Committee on Intergovernmental Relations (Oct. 18, 2002).

¹ Steven L. Sparkman, "The History and Status of Local Government Powers in Florida," University of Florida Law Review, Vol. 25, 1973, p. 271.

² Ibid.

³ Allen Morris, The Florida Handbook 1993-1994, (Tallahassee, Florida: The Peninsular Publishing Company, 1993), pp. 416-418.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

⁷ Fernald, Edward A. and Elizabeth D. Purdum, Eds., Atlas of Florida, (Gainesville, Florida: University Press of Florida, 1992), p. 99; See *also* HB 857 and SB 88 (1999) and HB 451 and SB 1272 (2000).

⁸ Lawrence Arrington and Herbert A. Marlowe, Jr., "County Government in the Nineties: An Overview," (Tallahassee, Florida: Florida Association of Counties, 1994), pp. 4 and 5.

⁹ Ibid. p. 3.

¹⁰ The Florida Constitution of 1968, as amended January 1999, article VIII, section 1 (1984).

¹¹ See Ron Saunders, Chair of the House Committee on Community Affairs, letter to Representatives Joseph Arnall and Jim Davis on the appropriate way to create a new county, November 5, 1993, on file at the House Committee on Local Government & Veterans' Affairs, House Office Building, Tallahassee, Florida 32399-1300.

¹² See Legislative Committee on Intergovernmental Relations, Formation of Counties in Florida: Factors for Consideration and Related Policy Issues (February 2001), for more detailed information.

¹³ Please note that the formation of a new county also includes merging existing counties to form a "new county".

¹⁴ These seven elements would remain essentially the same for counties formed from territories contained within one or more existing counties or formed through the consolidation of one or more existing counties. The major difference being that of perspective; with formations through consolidation addressing these seven issues from the perspective of merging political, fiscal, administrative, and operational structures of government, and the resulting service delivery arrangements.

¹⁵ Fernald and Purdum, p. 99, and data from the Florida House of Representatives, Committee on Community Affairs.

¹⁶ The Florida Municipal Officials' Manual, (Pensacola, Florida: The Florida Institute of Government and the Whitman Center for State and Local Government at the University of West Florida, 1987, revised in 1989, 1995 and 1997), p. I-B-1.

¹⁷ Joseph W. Little. "Florida Local Government in the 1990s." in Proceedings of the Governor's Conference on Local Governments in the 1990s, (Gainesville, Florida: The Center for Governmental Responsibility, University of Florida College of Law, January 1989), p. 102.

¹⁸ The Florida Municipal Officials' Manual, p. I-B-1.

¹⁹ Allen Morris, The Florida Handbook 1997-1998, (Tallahassee, Florida: The Peninsular Publishing Company, published biennially), pp. 416-418.

²⁰ The Florida Municipal Officials' Manual, p. I-B-2.

²¹ The Florida Municipal Officials' Manual, p. I-B-3.

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- ²² Lawrence Arrington and Herbert A. Marlowe, Jr., "County Government in the Nineties: An Overview," (Tallahassee, Florida: Florida Association of Counties, 1994), pp. 4 and 5.
- ²³ See Florida House of Representative, Committee on Local Government & Veterans Affairs, Local Bill Policies and Procedures Manual. (Tallahassee, Florida: The Florida House of Representatives, published annually) and Florida House of Representatives, Bill Drafting Service, Drafting Local Legislation in Florida. (Tallahassee, Florida: The Florida House of Representatives, 1998).
- ²⁴ Chapter 2002-23, Laws of Florida, provided that the provisions of section 165.061(2)(d), Florida Statutes, as enacted by chapter 00-304, Laws of Florida, regarding incorporations resulting from mergers, also apply to the incorporation of a new municipality.
- ²⁵ See Legislative Committee on Intergovernmental Relations, Overview of Municipal Incorporations in Florida (February 2001), for more detailed information.
- ²⁶ Local Boundary Commissions: Status and Roles in Forming, Adjusting and Dissolving Local Government Boundaries, (Washington, D.C.: U.S. ACIR, May 1992).
- ²⁷ Robert Bradley and Edward Montanaro, Annexation in Florida: Issues and Options, (Tallahassee, Florida: Florida Advisory Council on Intergovernmental Relations, January 1984), p. 6.
- ²⁸ Ibid.
- ²⁹ Bradley and Montanaro, pp. 109-111, and Florida House of Representatives, Committee on Community Affairs, Final Report, (Tallahassee, Florida: Florida House of Representatives, published yearly since 1975).
- ³⁰ Ibid.
- ³¹ See, *City of Safety Harbor v. City of Clearwater*, 330 So. 2d 840 (Fla. 2nd DCA 1976)
- ³² Florida ACIR, December 20, 1995, "Local Government Function and Formation in the Service Delivery Arena: Review of Relevant Research and Law," (Florida ACIR Docket Book, June 4, 1998).
- ³³ See *State ex rel. Lee v. City of Cape Coral*, 272 So. 2d 481, 483 (Fla. 1973); see also *SCA Services of Florida, Inc. v. City of Tallahassee*, 418 So. 2d 1148, 1149 (Fla. 1st DCA 1982).
- ³⁴ *SCA Services*, at 1150
- ³⁵ See *State ex rel. Lee v. City of Cape Coral*, 272 So. 2d at 483.
- ³⁶ See *State ex rel. Davis v. City of Stuart*. 120 So. 335, 341 (Fla. 1929); see also *SCA Services*, 418 So. 2d at 1149.
- ³⁷ See *City of Ft. Lauderdale v. Town of Hacienda Village*, 172 So. 2d 451, 453 (Fla. 1965).
- ³⁸ See *City of Sebring v. Harder Hall*, 9 So. 2d 350, 352 (Fla. 1942).
- ³⁹ See *MacKinlay v. City of Stuart*, 321 So. 2d 620, 623 (Fla. 4th DCA 1975).
- ⁴⁰ Ibid., pp. 622-623.
- ⁴¹ See *Capella v. City of Gainesville*, 377 So. 2d 658, 661 (Fla. 1979) at 661.
- ⁴² Ibid.
- ⁴³ See *State ex rel. Bower v. City of Tampa*, 316 So. 2d 570, 571-72 (Fla. 2nd DCA 1975).
- ⁴⁴ Ibid., p. 572
- ⁴⁵ See *Gillete v. City of Tampa*, 57 So. 2d 27, 29 (Fla. 1952).
- ⁴⁶ Ibid.

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- ⁴⁷ See *Town of Mangonia Park v. Homan*, 118 So. 2d 585, 588 (Fla. 2nd DCA 1960); see also *State ex rel. Landis v. Town of Boca Raton*, 177 So. 293, 293 (Fla. 1937).
- ⁴⁸ See *P.C.B. Partnership v. City of Largo*, 549 So. 2d 738, 741 (Fla. 2nd DCA 1989).
- ⁴⁹ See *Lykes Brothers, Inc. v. City of Plant City*, 354 So. 2d 878, 880 (Fla. 1978).
- ⁵⁰ See *City of Safe Harbor v. City of Clearwater*, 330 So. 2d 840, 841 (Fla. 2nd DCA 1976).
- ⁵¹ *Ibid.*, p. 842
- ⁵² *Ibid.*
- ⁵³ *Ibid.*
- ⁵⁴ See *City of Auburndale v. Adams Packing Association*, 171 So. 2d 161, 163 (Fla. 1965) at 163.
- ⁵⁵ *Ibid.*
- ⁵⁶ *Ibid.*
- ⁵⁷ *Ibid.*
- ⁵⁸ *State ex rel. Davis v. City of Largo*, 149 So. 420, 422 (Fla. 1933); see also *A.B.A. Industries*, 366 So. 2d 761, 763 (Fla. 1979).
- ⁵⁹ See *State ex rel. David v. City of Stuart*, 120 So. at 348.
- ⁶⁰ *Ibid.*, p. 349.
- ⁶¹ See *North Ridge General Hospital, Inc. v. City of Oakland Park*, 374 So. 2d 461, 464 (Fla. 1979).
- ⁶² See *Capella v. City of Gainesville*, 377 So. 2d at 661.
- ⁶³ See *City of Tallahassee v. Kovach*, 733 So. 2d 576 (Fla. 1st DCA 1999).
- ⁶⁴ *Ibid.* at 577-578.
- ⁶⁵ *Ibid.*
- ⁶⁶ *Ibid.* at 580.
- ⁶⁷ 1977 Op. Att'y Gen. Fla. 077-133 (December 20, 1977).
- ⁶⁸ 1978 Op. Att'y Gen. Fla. 078-121 (October 12, 1978).
- ⁶⁹ 1987 Op. Att'y Gen. Fla. 87-54 (June 1, 1987).
- ⁷⁰ 1986 Op. Att'y Gen. Fla. 086-5 (January 16, 1986).
- ⁷¹ 1989 Op. Att'y Gen. Fla. 89-57 (September 13, 1989).
- ⁷² 1990 Op. Att'y Gen. Fla. 90-23 (March 20, 1990).
- ⁷³ 1996 Op. Att'y Gen. Fla. 96-01 (January 5, 1996).
- ⁷⁴ 1996 Op. Att'y Gen. Fla. 96-74 (September 25, 1996).
- ⁷⁵ 1991 Op. Att'y Gen. Fla. 91-21 (March 26, 1991).
- ⁷⁶ 1998 Op. Att'y Gen. Fla. 098-076 (December 10, 1998).
- ⁷⁷ Research Division, National Association of Counties, 440 First Street, NW, Washington, D.C. 20001, telephone number (202)393-6226.
- ⁷⁸ Florida Constitution of 1885, section 9, article VIII (1934). Referenced in the Florida Constitution of 1968, article VIII, section 6 (1968), as amended January 1999.

⁷⁹ See Jacksonville Ordinance Code, Volume III (Containing the Charter and Related Laws of the City of Jacksonville, Florida), (Tallahassee, Florida: Municipal Code Corporation, 1991), C-1.

⁸⁰ Florida Constitution of 1885, section 10, article VIII (1936). Referenced in the Florida Constitution of 1968, article VIII, section 6 (1968), as amended January 1999.

⁸¹ Florida Constitution of 1885, article VIII, section 24 (1966). Referenced in the Florida Constitution of 1968, article VIII, section 6 (1968), as amended January 1999.

⁸² See Home Rule Charter for Hillsborough County Florida, (Tampa, Florida: Hillsborough County Board of County Commissioners, September 1983), introduction.

⁸³ Florida Constitution of 1885, article VIII, section 11, (1956). Referenced in the Florida Constitution of 1968, article VIII, section 6 (1968), as amended January 1999.

⁸⁴ See paragraph (8) of section 200.001, Florida Statutes.

⁸⁵ Florida Legislative Committee on Intergovernmental Relations and Florida Department of Revenue, Local Government Financial Information Handbook, (Tallahassee, Florida: The Florida Legislative Committee on Intergovernmental Relations, September 2000).

⁸⁶ *Ibid.*, p. 287.

⁸⁷ *Ibid.*, p. 145.

⁸⁸ Section 218.503, Florida Statutes, 1996 Supplement.

⁸⁹ See, "Officials Battle Over State List of Ailing Cities," *The Wall Street Journal*, November 13, 1996.