

Cities in Florida: How Incorporation Occurs

**Presentation to
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Presenter: Lynn Tipton, FLC University



Florida's Government Structure

- State Constitution Establishes 4 local governments: Counties, School Districts, Special Districts and Municipalities
- First three are state-created and non-optional; municipalities are *optional*
- Counties and Municipalities have Home Rule and are general-purpose; school and special districts are special-purpose only



Local Governments in FL

- **Counties:** 67 that are ‘sub-states’ w/ many mandated programs, and desired services by ordinance
- **School Districts:** 67 over K-12 public schools; funding via state Legislature and local levy
- **Special Districts:** 1,600 +/- with variety of powers
- **Municipalities:** 411 independent, public corporations
- *No townships; no unincorporated municipalities*



Municipal Incorporation

- Act of the people with referendum vote; begins with state Legislature's overview and passage of a special act establishing the vote at home
- Feasibility Study: required; contains research, planning and intergovernmental discussions to ensure viability of community prior to city-hood
- Study Timetable: must be filed by end of August ahead of the Legislature's session (either January or March)



Community Incorporation Process

- **Support of Delegation** – need both House and Senate member, plus full delegation to support effort for consideration
- **Feasibility Study** – can take 6 months; also start city charter and work on draft for first budget
- **Special Act** – filed by House and Senate members in fall for Legislature's consideration; if passed & signed by Governor, sets date for vote
- **Campaign at home:** education of voters



Feasibility Study “Beginnings”

What boundaries do we want?

- *Cannot include anything already incorporated*

What is our proposed population?

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

What is the proposed area’s tax base?

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



Service Delivery: What Does Area Want?

- Is the plan to continue county services within the proposed new city?
- **Law Enforcement:** can continue with sheriff, or negotiate additional service with sheriff, or have own department
- **Fire Service:** are you in special fire district? Volunteer? County Service? Or is a municipal program desired?
- **Comprehensive Plan:** use the county's for up to 2 years while new plan being prepared



The Toughest Parts of the Study

- Determining boundaries – who wants in, out
- Finding commercial properties – this Legislature has not been receptive to residential-only areas
- Determining a fiscal structure – mix of tax, fee, assessments to balance services
- Working in a political environment



Other “How” Steps

- **Communicating with Citizens** – most community organizations set up a website, hold frequent meetings
- **Paying for Study** – if a consultant is used, most communities raise funds via HOA, contributions, and/or set up a political action committee (PAC) to pay for the study and educational campaign
- **Total timetable** – can take 2 years; fastest one about 15 months



The Municipal Charter

- Every study must have one; required by Legislature (and all FL cities have one)
- Establishes the city, town or village name; sets original boundaries (metes & bounds); establishes legislative body (council or commission); establishes chain of command for fiduciary, fiscal responsibilities
- Model City Charter – good reference guide for questions; do not use their ‘template language;’ order it at: www.ncl.org
- Comparisons to other cities – use Municipal Code Corporation at www.municode.com



Legislative Information

- House Committee: Local Government Affairs Subcommittee does the analysis; Senate follows House lead on analysis
- Chapter 165, Florida Statutes – some elements can be waived at request of the delegation (*distance between cities; population threshold and density*)
- House Subcommittee Policy Chief: Eric Miller at 850/717-4890 and eric.miller@myfloridahouse.gov



Pros and Cons

- Cities give citizens Home Rule and self-determination over many local services (but not all)
- No city is ‘free’ – all must have taxes and/or fees to pay for the services
- Each city is only as ‘good’ as the people who serve in it
- Alternatives to incorporation – work with county on service delivery, land-use, planning, zoning to achieve goals (special district designations; land-use overlays)



Recent Efforts as Resources

- Grant-Valkaria (2006) became a city
- Loxahatchee Groves (2006) became a town
- St. George Island (2013)— delegation would not support
- Estero (2014) – over 7 years as village
- Indiantown (2017) – incorporated as village
- Siesta Key (2021) – delegation would not support; trying again for 2023



Questions and Discussion



Lynn Tipton – Director, FLC University
Florida League of Cities University, Orlando
407/367-4025

ltipton@flcities.com

