

League of Women Voters of Florida

Our

Florida

Government

Sixth Edition

Our Florida Government

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ABOUT THE LEAGUE

The League of Women Voters of Florida is a non-partisan organization that encourages the informed and active participation of people in government and influences public policy through education and advocacy. Membership is open to anyone, male or female, who subscribes to the purpose and policy of the League.

This book, a compact and factual presentation of the basic structure and operation of Florida government, is published in order to further the active participation of a well-informed public in its government.

The statements and views expressed are solely the responsibility of the League of Women Voters of Florida.

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P R E F A C E

The goal of the League of Women Voters is to empower citizens to shape better communities worldwide. We believe that empowerment can only come with knowledge, and that an informed electorate is necessary to ensure that our government meets and serves our needs.

The title of this book says it all. It is *our* Florida government. We elect the people whose job it is to make it work, we pay the taxes and fees that keep it operating, and we have helped to write its Constitution so as to “perfect our government” and “guarantee equal civil and political rights to all,” as it says in the Preamble to the Constitution of the State of Florida.

By providing this guide to the structure and function of Florida government, we hope to encourage a greater involvement in the governmental process by every citizen who reads it.

Sandy Parker, project manager

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State League members Mary Berglund, Ann Campbell, Sheilah Crowley, Linda Denning, Joyce Evans, Donna Gillroy, Sandy Parker, Kimmie Schlottman, Bernice Schmelz and Chris Straton researched, revised, edited and commented on the first draft. Sandy Parker was overall project manager, editor and producer.

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Facts About Florida

History

Indians were the first inhabitants of Florida. Ponce de Leon landed on the peninsula in 1513 and named it “Pascua Florida” because of its discovery “in the time of the Feast of Flowers.” Spanish, French and British colonizers came soon after and fought with each other and the Indians during the 16th, 17th and first half of the 18th centuries. Saint Augustine, the oldest permanent settlement in the United States, was founded by the Spanish in Florida in 1565. Spain ceded Florida to the British in 1763. In 1783, the British returned Florida to Spain in exchange for the Bahamas. The territory was acquired by the United States in 1821 by treaty with Spain and was established as a territory the following year. Florida was admitted to the Union as the 27th state on March 3, 1845.

Tallahassee, in Leon County, was designated the territorial capital on March 4, 1824. Log buildings housed the government until a two-story brick structure was built two years later. By 1845 there was a new Capitol. Changes were made in 1891: a small cupola and striped awnings among them. The north and south wings and a dome of copperized iron were added in 1902. Although east and west wings were built and a marble staircase and wainscoting were added in the 1920s, these were removed in 1982 when the building was restored to its 1902 form. It is now a museum. The current 22-story Capitol, built immediately west of the old one, was completed in 1977.

Weather and Climate

Most of the state has a subtropical climate with an average temperature of 70 degrees F. and an annual rainfall of about 53 inches, with most rain falling from April to November. The area south of Lake Okeechobee has a tropical climate. Florida is known as the “lightning capital” of the United States, since it experiences the most lightning strikes of any state.

Area

Florida boundaries enclose an area that is 58,560 square miles. More than 4,400 square miles (7.5 percent) of that area is water. The state is 447 miles long (from the St. Mary's River to Key West) and 361 miles wide (from the Atlantic Ocean to the Perdido River in the Florida panhandle). Lake Okeechobee is the second largest freshwater lake entirely within one state and the fourth largest natural lake entirely within the United States. The longest river is the St. Johns, and the Everglades is the greatest expanse of saw grass on earth. The highest point is a 345 foot hill in Walton County. There are 663 miles of beaches and 1197 statute miles of coastline.

Population

In 1830 there were 34,730 people in Florida. According to the decennial census, there were 16 million residents in 2000, and an estimated 18.3 million residents in 2007, when it was the fourth most populous state in the country.

Political Subdivisions

Florida has 67 counties and 412 cities, towns and villages as of November 2006. Approximately fifty percent of the population lives in incorporated areas, and fifty percent lives in unincorporated areas.

Figure 1 – Florida Counties and County Seats



Constitution

The [Constitution](#) that governs today is based on Florida’s 1968 Constitution, which was the sixth in the history of the state. The 1968 Constitution replaced the Constitution adopted in 1885, which had been amended more than 150 times. The 1968 Constitution was written by an appointed commission and then altered in the legislative process. The articles, with few substantive changes, were reordered and reorganized into a simpler and more understandable document. This revised Constitution was then submitted to the people and ratified. Today’s Constitution has twelve articles, as follows:

- ARTICLE I Declaration of Rights
- ARTICLE II General Provisions
- ARTICLE III Legislature
- ARTICLE IV Executive
- ARTICLE V Judiciary
- ARTICLE VI Suffrage and Elections
- ARTICLE VII Finance and Taxation
- ARTICLE VIII Local Government
- ARTICLE IX Education
- ARTICLE X Miscellaneous
- ARTICLE XI Amendments
- ARTICLE XII Schedule

Amendments

Florida has more ways to amend its Constitution than any other state. The five methods are outlined in Article XI of the Constitution.

Figure 2 – Methods of Amending the Florida Constitution

Method Name	What it Means
Citizen’s Petition Initiative	A committee must register with Secretary of State. The committee must collect a number of signatures equal to eight percent of the votes cast in the state in the most recent presidential election (611,009 based on 2004 election) with certain percentages coming from each congressional district.
Constitutional Convention	Florida voters may call a constitutional convention by collecting a designated amount of signatures and then gaining a majority of the vote to the question “Shall a constitutional convention be held?”
Constitutional Revision Commission	Composed of 37 members (the attorney general of the state, 15 members selected by the governor, nine members selected by the speaker of the House of Representatives, nine members selected by the president of the Senate, and three members selected by the chief justice of the Supreme Court of Florida with the advice of the justices), this Commission meets every 20 years to examine the Constitution of the state and propose the amendments necessary.

Legislative Joint Resolution	The Florida Legislature can pass a joint resolution supported by three-fifths of the membership of each house of the Legislature.
Taxation and Budget Reform Commission	This 22-member Commission was created by constitutional amendment in 1988, met in 1997/1998 and 2007/2008, and must meet every 20th year thereafter. It can place proposed constitutional amendments on the ballot.

As a result of an amendment passed in 2006, amendments to the Constitution must be ratified by a vote of at least 60 percent of the electors voting on the measure, unless provided otherwise in the Constitution. Prior to 2006, an amendment had to be approved by a majority of persons voting on it. Since 1996, a two-thirds vote is required for new constitutionally imposed state taxes/fees.

Since 1968, Florida’s Constitution has been amended well over 100 times. Of the 87 amendments passed since 1978, 53 were joint resolutions of the Legislature, 20 were citizen initiatives, 10 were proposed by the 1998 Constitutional Revision Commission, and 4 were proposed by the Tax and Budget Reform Commission or other legislative entity.

The following are among the more important or well-known of the citizen initiatives that have been approved since 1978:

- State-operated lotteries (1986) - Article X, Section 15, authorizes the state to operate the Florida Education Lotteries with net proceeds to be deposited in a State Education Lotteries Trust Fund for appropriation by the Legislature
- Save Our Homes (1989) – Article VII, Section 6, limits increases in homestead property valuations for ad valorem tax purposes to a maximum of 3 percent annually
- Term limits (1992) - Article VI, Section 4, prohibits incumbents who have held the same elective office for the preceding eight years from appearing on the ballot for re-election to that office. Offices covered are: Florida representative and senator, lieutenant governor, Florida Cabinet, and U.S. senator and representative. (However the U.S. Supreme Court declared term limits for Congress unconstitutional in 1995.)
- Everglades Trust Fund (1996) - Article X, Section 17, establishes a trust fund to be administered by the South Florida Water Management District for purposes of conservation and protection of natural resources and abatement of water pollution in the Everglades.
- High speed (“bullet”) train (2000; repealed in 2004) - Article X, Section 19, provided for development of a high speed monorail, fixed guideway or magnetic levitation system linking Florida's five largest urban areas and providing access to existing air and ground transportation facilities and services.
- Class size (2002) - Article IX, Section 1, requires that the Legislature provide funding for sufficient classrooms so that there be a maximum number of students in public school classes for various grade levels; requires compliance by the beginning of the 2010 school year; requires the Legislature, and not local school districts, to pay for the costs associated with reduced class size; prescribes a schedule for phased-in funding to achieve the required maximum class size.

- Voluntary Universal Pre-K Education (2002) - Article IX, Section 1, provides that every four-year-old child in Florida shall be offered a high quality pre-kindergarten learning opportunity by the state no later than the 2005 school year.
- “Pregnant pigs” (2002) - Article X, Section 19, provides that, to prevent cruelty to animals and as recommended by The Humane Society of the U.S., no person shall confine a pig during pregnancy in a cage, crate or other enclosure, or tether a pregnant pig, on a farm so that the pig is prevented from turning around freely, except for veterinary purposes and during the pre-birthing period.

Florida does not have an initiative process by which citizens can petition the Legislature to change statutes. If Florida had such a process, it is unlikely that amendments like “pregnant pigs” would have been placed in the Constitution by voters.

Executive Branch

The executive branch of Florida's government executes programs and policies adopted by the Legislature and administers and enforces the laws of Florida. It also makes policy recommendations to the Legislature. The functions of the executive branch must, by law, be organized by the Legislature into no more than 25 departments exclusive of those specifically provided for or authorized in the Florida Constitution. See chapter on Executive Branch Departments.

The [Cabinet](#) was restructured as a result of an amendment proposed by the 1998 Constitution Revision Commission. It is now patterned along the lines of a large corporation with the governor serving as chairman of the board and three independently elected Cabinet members (an attorney general, a chief financial officer and a commissioner of agriculture) serving as directors. In the event of a tie vote of the governor and Cabinet, the side on which the governor voted prevails.

Elections, Qualifications, Terms

The governor and lieutenant governor, as a team, and each of the Cabinet members are elected on a partisan ballot by the qualified voters of the state in November of even-numbered years not divisible by four. Each candidate must be an elector of the state (i.e. has a legal right to vote), not less than 30 years old, who has resided in Florida for the preceding seven years. The attorney general must also have been a member of the Florida Bar for the preceding five years. Cabinet members may serve an unlimited number of four-year terms, but the governor and lieutenant governor are limited to two consecutive four-year terms. The salary for each office is set by the Legislature. Any of these officers may be impeached for misdemeanor or malfeasance in office.

The Governor

The governor may approve or disapprove (veto) acts passed by the Legislature and may veto specific items in a general appropriation bill (line-item veto). The Legislature may override a veto by a two-thirds vote of each house. One of the governor's functions is preparation of a budget for submission to the Legislature.

The governor is required by the Constitution to inform the Legislature on the condition of the state at least once per session. The governor also “recommends measures in the public interest.” The governor has the authority to call the Legislature into special session. No business except that for which the session was called may take place unless each legislative house approves with a two-thirds vote.

Significant power is given the governor who, by appointment, fills vacancies in many state and county offices. The governor also appoints members to a vast number of state boards and commissions such as the [Environmental Regulation Commission](#), the [Public Service Commission](#) and the [Elections Commission](#). In addition, the governor makes appointments to

many local and regional authorities such as water management district boards, housing authorities, judicial nominating committees and fire control districts. Some appointments require confirmation by the Senate while others require Cabinet approval as well as Senate confirmation.

The governor has the power to call out the militia as commander in chief of the [Florida National Guard](#), and also grants reprieves and acts in all matters of extradition.

The Lieutenant Governor

Should the governor vacate the office, the lieutenant governor succeeds until the end of the term, or during an impeachment trial, or in cases of physical or mental incapacity of the governor. There are no constitutional duties provided for the lieutenant governor but the governor assigns responsibilities as needed. Other duties may be prescribed by law.

The Cabinet Officers

❖ Attorney General

The attorney general is the chief legal officer of the state and in that capacity represents the state in the courts of appeal. The attorney general advises the governor in matters of extradition and reports on the effects of laws and court decisions as well as suggesting legislation to the governor.

The attorney general is head of the [Department of Legal Affairs](#) (DLA), which gives non-binding opinions to public agencies about the law. Acting as prosecutor, the DLA pursues criminal law and antitrust law violations and prosecutes cases of criminal racketeering, as well as Medicaid fraud and civil rights violations. It defends the state when it is sued and defends general laws when they are challenged. It represents the state when sentences for criminal convictions are appealed.

❖ Chief Financial Officer

The voters passed a constitutional amendment in 1998 that combined the offices of state treasurer and state comptroller into the elected office of chief financial officer. In 2002, the Legislature created the [Department of Financial Services](#) by merging the Department of Insurance, Treasury and State Fire Marshal and the Department of Banking and Finance, to be overseen by the chief financial officer.

Included in the responsibilities of the chief financial officer are overseeing the state's accounting and auditing, including safeguarding unclaimed property; monitoring investment of state funds; investigating fraud; overseeing cemeteries and funeral homes; licensing and oversight of insurance agents and agencies; ensuring businesses have workers' compensation coverage in place and helping injured workers with benefit payments and reemployment; and investigating fires and suppressing arson, as state fire marshal.

❖ Commissioner of Agriculture and Consumer Services

The commissioner of agriculture and consumer services heads the [Department of Agriculture and Consumer Services](#). This Department is responsible for ensuring the safety and wholesomeness of food and other consumer products through inspection and testing programs; protecting consumers from unfair and deceptive business practices and providing consumer information; assisting Florida's farmers and agricultural industries with the production and promotion of agricultural products; and conserving and protecting the state's agricultural and natural resources by reducing wildfires, promoting environmentally safe agricultural practices, and managing public lands.

Executive Branch Departments and Agencies

All functions of the executive branch must by law be organized by the Legislature into not more than twenty-five departments, in addition to those specifically provided for in the Constitution. The administration of each, unless otherwise provided, falls under the direct supervision of the governor, the lieutenant governor, the governor and Cabinet, a Cabinet member, or an officer or board appointed by and serving at the pleasure of the governor.

Constitutionally Provided Departments

The Constitution specifically provides for a State Board of Administration, a Department of Elder Affairs, a Fish and Wildlife Conservation Commission, a Department of the Lottery, a Parole Commission and a Department of Veterans Affairs.

❖ State Board of Administration

The [State Board of Administration](#) (SBA) is a constitutional entity of Florida state government that is responsible for delivering investment and trust management services under various public fund mandates within the state. As of June 2007, the SBA managed assets valued at approximately \$184 billion for 25 separate investment programs, including:

- Florida Retirement System Pension Plan and Investment Plan
- Florida Hurricane Catastrophe Trust Fund
- Lawton Chiles Endowment Fund
- Local Government Surplus Funds Trust Fund
- Debt service accounts for state bonds
- Department of Lottery Funds

❖ Department of Elder Affairs

The [Department of Elder Affairs](#) (DOEA) was created by a 1988 voter referendum to help provide self-sufficiency and self-determination for older individuals. DOEA has the lead responsibility for administering Florida's human services programs for elders and for developing recommendations for long-term care policies. The majority of programs administered by the Department are privatized. Contracted programs include: Older Americans Act Programs; Community Care for the Elderly; Alzheimer's Disease Initiative; Emergency Home Energy Assistance, Assisted Living and Aged and Disabled Medicaid Waiver; Home Care for the Elderly and the Senior Community Service Employment Program. More than 94 percent of the Department's budget funds services provided primarily by not-for-profit agencies and local governments.

❖ Fish and Wildlife Conservation Commission

The [Fish and Wildlife Conservation Commission](#) (FWCC) came into existence on July 1, 1999, in order to streamline the regulation of wildlife under a single entity. It exercises the state's executive and regulatory powers over wild animal life, freshwater aquatic life and marine fish.

The Legislature retained the authority to establish license fees and penalties for violations of FWCC rules.

❖ **Department of the Lottery**

The [Department of the Lottery](#) was authorized by a constitutional amendment in 1986 and created by the Public Education Lottery Act, which stipulates that net proceeds from the lottery are to be used to enhance education in the state and not as a substitute for existing educational resources. See chapter on Education.

❖ **Parole Commission**

The [Parole Commission](#) is a constitutionally authorized decision-making body. It was created in 1941 and protects the public by administering parole, conditional release, conditional medical release, control release, and addiction recovery supervision to all eligible criminal offenders. The Commission administers the clemency process and acts as the investigative arm for the Board of Executive Clemency (governor and Cabinet). The three members of the Parole Commission are appointed by the governor and Cabinet from a list of eligible applicants submitted by a parole qualification committee consisting of five members appointed by the governor and Cabinet for two-year terms. The appointments are certified by the Senate and must include minority persons.

❖ **Department of Veterans Affairs**

The [Department of Veterans Affairs](#) (DVA) was created by constitutional amendment in 1988 to provide advocacy and representation for Florida's veterans in their dealings with the U.S. Department of Veterans' Affairs. According to the DVA's [2006-2007 Annual Report](#), "Every time the federal government funds a service required by a Florida resident, the State of Florida is not required to make that same or similar expenditure. Likewise, every additional dollar paid to veterans, their families or survivors, as disability, education or other benefits, is a dollar either spent in Florida's economy or used in lieu of requesting assistance from the state. Such 'cost avoidance strategy' is the functional core of FDVA's veterans' advocacy mission and statutory mandates." The Department serves the state's 1.7 million veterans – the second-largest veteran population in the nation – and their survivors. The Department operates through the Division of Administration, the Division of Benefits and Assistance, the State Veterans' Homes Program, and the Florida Commission of Veterans' Affairs.

Other Departments

❖ **Department of Business and Professional Regulation**

The [Department of Business and Professional Regulation](#) (DBPR) seeks to "License efficiently. Regulate fairly." Business Regulation is organized into the following divisions: Alcoholic Beverages and Tobacco, Condominiums, Land Sales and Mobile Homes, Hotels and Restaurants, and Pari-Mutuel Wagering. Professional Regulation is organized into the following divisions: Certified Public Accounting, Professions, Real Estate and Regulation. These divisions are supported by a Bureau of Education and Testing, which oversees DBPR-required licensure examinations and continuing education requirements.

❖ Department of Children and Families

The [Department of Children and Families](#) (DCF) was created by 1996 legislation as the duties of the former Department of Health and Rehabilitative Services were divided. It reorganized its administrative structure in 2007. The Department works in partnership with local communities to help insure the safety, well-being, and self-sufficiency of the people served in these local communities. DCF has the following programs: Adult Services, Child Care Services, Economic Self-Sufficiency, Florida Abuse Hotline, Child Welfare and Community-Based Care, Domestic Violence, Mental Health Services, and Substance Abuse Services. DCF plans, administers and delivers most of its services to target groups through offices in five regions and 20 judicial circuits.

❖ Department of Citrus

The [Department of Citrus](#) was established in 1935 by an act of the Legislature as the result of an industry request. Its stated purpose is to protect and enhance the quality and reputation of Florida citrus fruit and processed citrus products in both domestic and foreign markets. The Florida Citrus Commission acts as the board of directors for the Department. It consists of 12 members appointed by the governor and confirmed by the Senate, representing growers, processors and shippers of fruit. More than 78 percent of the Department's 2006-07 budget was for marketing activities. Over 75 percent of the Department's funding comes from the Citrus Advertising Trust Fund whose sources of revenue are excise taxes (box taxes) placed on each box of citrus moved by Florida growers. The balance of the funding comes from federal grants.

❖ Department of Community Affairs

The [Department of Community Affairs](#) (DCA) is the state's land planning and community development agency. The DCA ensures that new growth complies with the state's vital growth management laws, while also helping established communities revitalize their older or traditional neighborhoods. Through the [Division of Community Planning](#), the Department assists Florida's communities as they plan for the impacts of growth and development. The [Division of Housing and Community Development](#) provides funding to local communities to help improve housing, streets, utilities and public facilities.

❖ Department of Corrections

The [Department of Corrections](#) seeks to protect the public safety, to ensure the safety of Department personnel, and to provide proper care and supervision of all offenders under its jurisdiction while assisting, as appropriate, their reentry into society.

The Department is divided into four regions that form a decentralized correctional system to administer institutional probation and parole services. As of February 2008, the Department provided incarceration for over 96,000 inmates at 137 facilities statewide, including 60 prisons, 41 work/forestry camps, one treatment center, 30 work release centers and five road prisons.

State government generally manages prisons. In addition, Florida has six privately run prisons. Individual counties generally run Florida jails that house inmates awaiting sentencing or who have been sentenced to a year or less for a lower level crime.

❖ Department of Education

The [Department of Education](#) (DOE) carries out most of the responsibilities of the State Board of Education, which exercises “supervision of the system of public education as provided by law” and is the chief policymaking and coordinating body for public education. The purpose of the DOE is to ensure that Florida has a state system of schools, courses, classes, institutions, and services that can adequately meet the educational needs of Florida’s citizens. The Department provides leadership, technical assistance, and support to the local educational entities and institutions comprising Florida’s public education system. The DOE oversees public educational offerings in the state including K-12 education, charter schools, school facilities, community colleges, and workforce education. The DOE works in collaboration with the Agency for Workforce Innovation and the Department of Children and Families to implement the Voluntary Pre-kindergarten Education program mandated by a 2002 constitutional amendment. In addition, the Department also oversees Blind Services, Vocational Rehabilitation, and the Office of Student Financial Assistance. The [Florida Board of Governors](#) provides statewide oversight of the state’s public universities. See chapter on Education.

❖ Department of Environmental Protection

The [Department of Environmental Protection](#) is Florida’s lead agency in state government for environmental management and stewardship and is one of the more diverse agencies in state government, protecting our air, water, and land. The Department is divided into three primary areas: Regulatory Programs, Land and Recreation, and Planning and Management.

Through its six regulatory district offices, the Department administers programs for surface water quality and quantity; air, water, wastewater and environmental resource management and monitoring; solid and hazardous waste; and emergency response, among others. To carry out its programs, the Department issues environmental permits, monitors environmental conditions, provides technical assistance, and takes enforcement action where violations of environmental laws or rules have occurred.

❖ Department of Health

The [Department of Health](#) was created by 1996 legislation as the duties of the former Department of Health and Rehabilitative Services were divided. The role of public health is to promote and protect the health and safety of all Floridians by identifying health risks in the community; maintaining a safe and healthful environment; detecting, investigating, and preventing the spread of disease; promoting healthy lifestyles; providing primary care for individuals with limited access to such care from the private sector; and informing the public on public health issues. County health departments provide most of the public health services in Florida. Services are provided through a partnership between the state, district offices, and the counties.

❖ Department of Highway Safety and Motor Vehicles

The [Department of Highway Safety and Motor Vehicles](#) promotes a safe driving environment through law enforcement, public education and services, reduction of traffic accidents, titling and registering of vessels and motor vehicles, licensing motor vehicle operators and regulating

motor vehicle exhaust. The Division of Florida Highway Patrol enforces traffic laws, investigates accidents and teaches safety on the highways. The Division of Driver Licenses is responsible for testing drivers, for issuing driver licenses and enforcing suspension or revocation of licenses. The Division of Motor Vehicles licenses businesses distributing and selling motor vehicles. It also issues automobile license plates and registrations.

❖ **Department of Juvenile Justice**

The [Department of Juvenile Justice](#) (DJJ) seeks to increase public safety by reducing juvenile delinquency through effective prevention, intervention and treatment services that strengthen families and turn around the lives of troubled youth. The DJJ has five divisions: Administrative Services, Detention Services, Prevention and Victim Services, Probation & Community Intervention, and Residential Services. The Law Enforcement Unit was established in 2001. Its Youth Custody Officers locate and apprehend juvenile offenders who have pending warrants for violent felonies to misdemeanor law violations, and for failure to appear at court.

Juvenile justice councils at the county level and circuit juvenile justice boards, as authorized by the Florida Legislature, provide advice and direction to the DJJ in the development and implementation of juvenile justice programs and to facilitate interagency cooperation and information sharing.

❖ **Department of Law Enforcement**

The [Department of Law Enforcement](#) (FDLE) seeks to promote public safety and strengthen domestic security by providing investigative, forensic, and protective services in partnership with local, state, and federal criminal justice agencies to prevent, investigate, and solve crimes while protecting Florida's citizens and visitors.

The FDLE is divided into five program areas: Executive Direction and Business Support, Criminal Investigations and Forensic Science, Florida Capitol Police, Criminal Justice Information, and Criminal Justice Professionalism. FDLE is the agency responsible for coordinating and directing counter-terrorism efforts for the state and works closely with the Division of Emergency Management and other federal, state and local agencies to implement Florida's Domestic Security Strategy.

❖ **Department of Management Services**

The [Department of Management Services](#) provides the following services to the state government: Human Resources (manages Florida's governmental personnel systems), Business Operations (purchasing, real estate development and management, fleet management, federal property assistance & correctional privatization), Communications and Information Technology Services, and Agency Administration.

❖ **Department of Military Affairs**

The [Department of Military Affairs](#) has a dual mission: It provides militia to protect life and property when necessary and to preserve peace, order and public safety as directed by

competent state authority. It also provides trained units for federal service in time of war or national emergency. The Florida National Guard, which is provided for by the state Constitution, has an air sovereignty mission for the eastern seaboard of the United States. National Guard units are allocated to the state based on projected wartime requirements.

❖ **Department of Revenue**

The [Department of Revenue](#) provides three types of services to the state and its residents.

The Child Support Enforcement Program works to ensure that families receive the child support they need and deserve by locating parents, establishing paternity, and establishing, enforcing and modifying support orders.

The Property Tax Oversight Program seeks to ensure fair and equitable administration, aid and assist local governments, and be accessible and responsive to Florida's citizens. The program staff reviews county property appraisers' rolls for proper techniques to ensure statewide equity and fairness in assessments, provides support and training to help local tax collectors and property appraisers carry out their duties, and directly serves Floridians by answering taxpayer inquiries.

The General Tax Administration Program seeks to make it easier for taxpayers to comply, to ensure compliance in a fair and equitable manner, to collect money owed to the state in an efficient and professional manner, and to distribute funds timely and accurately to its customers.

❖ **Department of State**

The [Department of State](#) seeks to facilitate public access to government and to improve and protect the quality of life for all Floridians. It is responsible for five major programs:

- Elections - responsible for uniform compliance with Florida's election laws and for promoting public awareness and participation in the electoral process.
- Corporations - maintains and makes available to the public information on corporations operating in Florida and financial transactions that take place in the state, such as the filing of business entities, trade and service marks, judgment liens, and fictitious name registrations.
- Library and Information - preserves and stores state records, provides public access to state information, administers grants and provides consultative/training services to improve local library services throughout the state.
- Historical Resources - encourages identification, evaluation, protection, preservation, collection, conservation and interpretation of and public access to information about Florida's historic sites, properties, and objects related to Florida history and to archaeological and folk cultural heritage.
- Cultural Resources - promotes programs with cultural and artistic significance that have an economic impact on the state.

In addition, as the official custodian of the Florida State Flag, the Department provides flags for public purchase or loan, as well as information regarding the display of flags.

❖ **Department of Transportation**

The [Department of Transportation](#) is responsible for designing, constructing and maintaining state transportation facilities. It acquires and manages transportation rights of-way, enforces motor carrier compliance and safety and does traffic engineering. It also develops, maintains and manages the state's highway system.

Other Executive Branch Entities

❖ **Agency for Health Care Administration**

The [Agency for Health Care Administration](#) (AHCA) works to provide accessible, affordable, quality health care for all Floridians. The agency was established in 1992 to locate the state's health financing, regulatory and planning activities in one organization. AHCA is responsible for health facility licensure, inspection, and regulatory enforcement; investigation of consumer complaints related to health care facilities and managed care plans; the implementation of the certificate of need program; the operation of the Florida Center for Health Information and Policy Analysis; the administration of the Medicaid program; the administration of the contracts with the Florida Healthy Kids Corporation; the certification of health maintenance organizations and prepaid health clinics; and any other duties prescribed by statute or agreement.

❖ **Agency for Persons with Disabilities**

The [Agency for Persons with Disabilities](#) works in partnership with local communities to ensure the safety, well-being, and self-sufficiency of the people served by the agency, providing assistance to identify needs and funding to purchase supports and services.

❖ **Agency for Workforce Innovation**

A major challenge facing Florida's workforce system is providing up-to-date training for workers in industries that are critical to sustaining and growing Florida's diverse economy. To address this concern, [Workforce Florida, Inc.](#) has established programs to provide training in key industries identified in Florida's strategic plan for economic development. The [Agency for Workforce Innovation](#) is responsible for implementing Workforce Florida, Inc.'s policies.

❖ **Office of Tourism, Trade and Economic Development**

The [Office of Tourism, Trade, and Economic Development](#) (OTTED) assists the governor in formulating policies and strategies designed to provide economic opportunities for Floridians. OTTED provides executive direction and staff support to develop policies and advocate for economic diversification and improvements in Florida's business climate and infrastructure.

❖ **Office of Program Policy Analysis and Government Accountability**

The [Office of Program Policy Analysis and Government Accountability](#) (OPPAGA) is the research arm of the Florida Legislature. It was created by the Florida Legislature in 1994 to

help improve the performance and accountability of state government. OPPAGA research services include:

- Performance evaluations and policy reviews of state government programs
- Research and technical assistance to legislators and legislative committees
- Follow-up reviews that assess whether agencies have resolved problems identified in earlier studies
- The Florida Government Accountability Report (FGAR), an electronic encyclopedia containing descriptive and evaluative information on all major state programs
- The Florida Monitor Weekly, a weekly electronic newsletter of policy research of interest to Florida policymakers

Legislative Branch

As stated in the Executive Reorganization Act of 1969, it is the Legislature's responsibility to determine policies and programs and to review program performance. It has the power to make public policy, to control the public purse by levying taxes and appropriating funds and to pass the laws under which the citizens of the state live.

The [Florida Legislature](#) is a bicameral legislature composed of the two traditional bodies: the Senate and the House of Representatives. Both are apportioned according to population with members being elected by the voters from the districts they represent. There are 40 senators and 120 representatives. Each house of the Legislature elects its own officers and adopts its own rules.

Senators have four-year terms of office; half are elected in November of each even-numbered year. Representatives are elected for two-year terms. Since 1992, senators' and representatives' terms are limited to eight consecutive years.

Each house of the Legislature has certain duties specified by the Florida Constitution. Only the House of Representatives can bring charges of impeachment for misdemeanor in office of impeachable state officers, which include the governor, lieutenant governor, Cabinet members and judges of the Supreme, appellate, circuit and county courts. Trials of impeachment are conducted by the Senate. The Senate must also approve or disapprove various appointments made by the governor and it has the authority to order the removal or reinstatement of elected officials who have been suspended from office for cause by the governor.

Legislative Sessions

The Florida Constitution creates three types of sessions for the Legislature:

❖ Organization Session

On the second Tuesday following a November general election, both houses of the Legislature meet in an organization session to swear in new members and to officially elect the president of the Senate and the speaker of the House, both of whom have previously been designated by the caucus of the majority party. The president and the speaker usually appoint committees at this session.

❖ Regular Session

The Legislature begins its regular session on the first Tuesday after the first Monday in March unless otherwise fixed by law. A regular session of the Legislature is limited to 60 consecutive days, including Saturdays and Sundays. A regular session may be extended additional days by a three-fifths vote of each house.

❖ Special Session

A special session may be called by the governor or by a joint proclamation of the president of the Senate and the speaker of the House. Also, the Legislature may call itself into session by the petition of two-thirds of the members of each house. The members have never called for this special session, perhaps because of the cumbersome nature of polling all members in order to reach agreement on such a session.

Special sessions are limited to the purpose for which they are called unless two-thirds of the membership agree to consider other matters. Twenty days is the maximum designated time of such special sessions, except if apportionment is the subject, in which case 30 days are allowed.

Apportionment

In the second year following each 10-year census, the Legislature is required to apportion the state into not less than 30 nor more than 40 Senate districts, and not less than 80 nor more than 120 House districts.

In each house, according to the Florida Constitution, the districts for the two houses may either be contiguous, overlapping or identical in territory. All seats in the Senate and the House represent single-member districts. Each Senate district has a single senator and each House district has a single House representative.

The Legislature has the initial responsibility for adopting a plan of reapportionment for the state in a session of the Legislature, or in a special session if the task is not completed in the regular session. When a draft of a plan is complete, the attorney general must petition the Florida Supreme Court within 15 days to determine if the plan submitted by the Legislature is valid. If after two submissions the Court disapproves the plan submitted, or if the Legislature fails to enact a plan, the Court is authorized to create and enact a reapportionment plan. When a plan is approved by the court it is legal and binding and is kept on file with the secretary of state.

If, after a ten-year census, it is determined that the state has either lost or gained congressional seats, the Legislature is also responsible for adopting a plan of reapportionment for the congressional districts. Such plan is subject to veto by the governor. Because Florida is under the Federal Voting Rights Act, all apportionment plans must be reviewed and approved by the United States Justice Department prior to going into effect.

Members

Each legislator must be at least 21 years old, an elector, a resident of the district represented and must have resided in the state for two years prior to election. No person may serve in the Legislature while employed by the federal or state government.

Each house is the sole judge of the qualifications of its members and may determine the outcome of disputed elections or may expel a member by a two-thirds vote of its membership. Vacancies in office are filled by special election if sufficient time remains in the term.

Compensation for legislators is provided by law. Legislators receive an annual salary plus subsistence and travel expenses as well as allowances for home district offices and secretarial and administrative assistance. Salaries are adjusted each July 1 by the average percentage increase for state employees. In 2007, members received an annual salary of \$30,996. Other perquisites include participation in insurance programs and the Florida Retirement System.

Officers

The Senate and the House of Representatives each elects officers. The president of the Senate and the speaker of the House preside over their respective houses and, because of numerical advantage, have historically been members of the majority party.

The Senate elects a president pro tempore and the House a speaker pro tempore to preside when the president or speaker is unable to serve or requests a substitute to preside.

Also selected by the Senate is a secretary of the Senate who is selected for a two-year term and is under the supervision of the president of the Senate. The secretary of the Senate is a non-member officer of that body. The secretary is responsible for recording and authenticating each act of the Senate and for keeping a correct daily journal of the proceedings of the Senate. The secretary also prepares a daily calendar for each session setting forth: the order of business, committee reports on each bill, the status of each bill (whether first, second or third reading) and notices of committee meetings.

The clerk of the House is selected by members of the House for a two-year term and has duties analogous to those of the Senate secretary.

Each house selects a sergeant-at-arms, also a non-member officer, who is responsible for security, maintenance of all house equipment, room assignments and property acquisition duties for the Legislature.

Each house has a majority floor leader, chosen by the Senate president or the speaker of the House. A minority floor leader in each body is elected by the minority party in a caucus.

Committees and Councils

The work of the Legislature is done in its committees. A committee is a group of persons chosen by the presiding officer to perform specific functions. Councils were incorporated into the Florida House Rules in 1996 to oversee legislative policy-making for committees with certain jurisdictions. Councils have existed in some form in all succeeding terms except for 2002-2004.

The number of councils and committees and their names change with virtually every biennial leadership. The name usually describes the council's or committee's policy jurisdiction. The name and number of councils and committees are part of the rules the House and Senate adopt during their Organization Session.

The president of the Senate and the speaker of the House appoint the chair, vice chair and members of each committee in their respective houses, usually at or immediately after the organization session so committee work can begin. The president and speaker also refer each bill introduced to one or more committees for consideration and recommendation.

❖ Rules

The Rules Committee in each house aids the presiding officer in the interpretation and enforcement of the rules and also determines the order in which legislation shall be considered.

❖ Standing

Standing committees, with the aid of a staff, consider bills assigned to them. A committee may report a bill favorably or unfavorably and with or without amendments. If unfavorably reported, the bill cannot be given further consideration except by a two-thirds vote of the members present. These committees may also originate legislation through a proposed committee bill (PCB) or combine bills on the same subject into one bill. A bill may be referred to more than one standing committee.

❖ Appropriations

The Appropriations Committees in each body prepare complete appropriations bills for consideration in their respective houses.

❖ Conference

Conference committees are appointed to reconcile the differences in important bills that have been sent back and forth unsuccessfully between the Senate and the House. Each bill thus reconciled must be passed again by a majority vote in each house without further amendment.

❖ Select/Joint Select

Select committees are often appointed for special and limited purposes and often have representatives from each house, in which case they are joint select committees. The following are examples of select committees:

The Joint Administrative Procedures Committee conducts continuous oversight of executive branch actions implementing legislatively delegated powers, ensuring that each action has an adequate statutory basis, that all applicable procedures are followed, and that no illegal rules are imposed on the people of Florida. It has three members from each house.

The Joint Committee on Public Service Commission Oversight nominates applicants to the governor to fill vacancies on the Florida Public Service Commission. It has six members from each house.

The Joint Committee on Everglades Oversight monitors all funding and expenditures, agreements, schedules of projects, land acquisition, and plans for acquisition, permits, and permit modifications associated with the implementation of the Everglades Forever Act. It has three members from each house.

The Joint Legislative Sunset Committee, created in 2006 by the Florida Government Accountability Act, oversees an independent review process used by the Legislature to determine if a public need exists for the continuation of a state agency, its advisory committees, or its programs, and makes recommendations to abolish, continue, or reorganize the agency under review. It has five members from each house.

The Legislative Auditing Committee appoints the Auditor General who audits the state's governmental entities, including special districts. The Committee may investigate any matter within the scope of an audit conducted by the Auditor General, and use its powers of subpoena. It has five members from each house.

The Legislative Budget Commission oversees the implementation of the state's approved budget, reviews (along with the appropriations committees of the Legislature) proposed changes in the budget during the interim between legislative sessions, and affirmatively approves the more significant modifications prior to their implementation. It has seven members from each house.

Forms of Legislation

Proposals for legislation may take one of the following forms: bills, resolutions, concurrent resolutions, joint resolutions or memorials.

❖ Bills

A bill is a proposed law and requires a majority vote in both houses to pass. It may be a general bill, in which case it has general impact throughout the state. Or it may be a local bill, which would affect only the particular county or municipality named in the bill. Before a local bill may be introduced it must be advertised in a newspaper of general circulation in the area that the bill may affect or it must contain a provision to allow the voters in the area an opportunity to vote on the issue if it is passed by the Legislature.

❖ Resolutions

A Senate Resolution (SR) or a House Resolution (HR) pertains to only one house and deals with matters relating to that house.

Joint Resolutions (SJR and HJR) are used to propose amendments to the Florida Constitution and must be passed by a three-fifths vote of the membership of each house and then submitted to the voters for approval before becoming part of the Constitution.

Concurrent Resolutions (SCR and HCR) deal with situations entirely within the province of the Legislature, including ratification of amendments to the U.S. Constitution, which requires a majority vote.

❖ Memorials

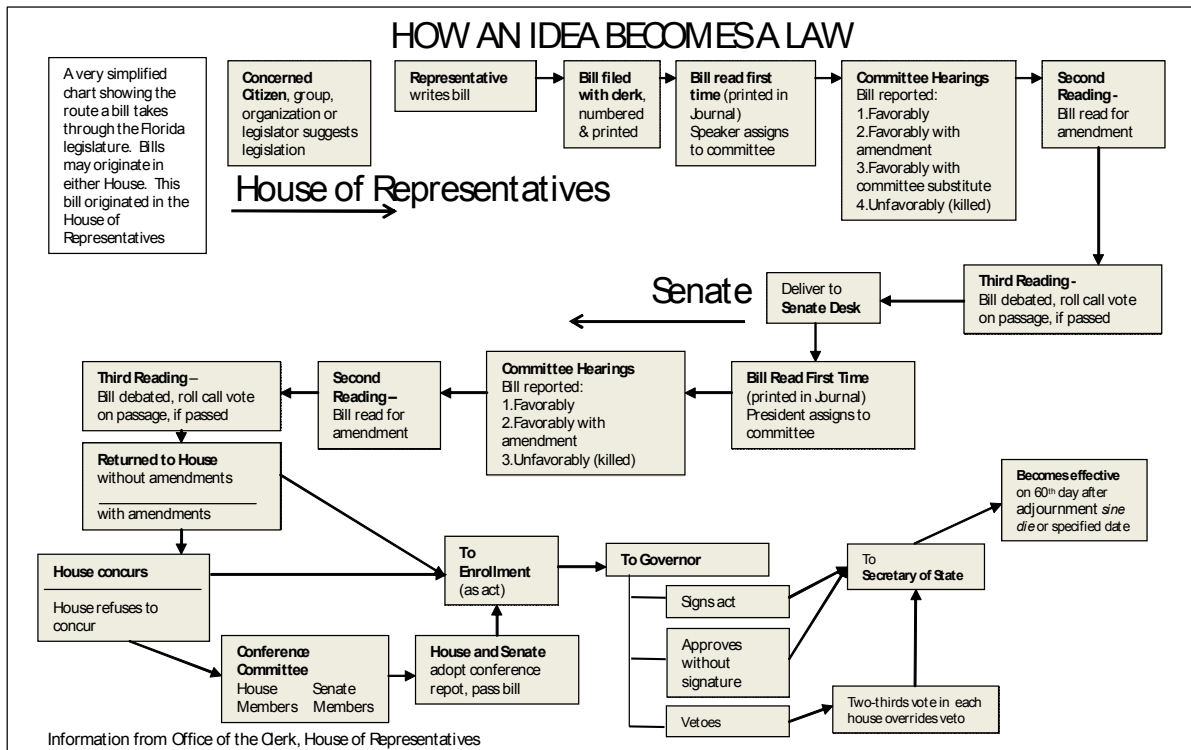
A Memorial is a petition requesting action or expressing an opinion addressed to the United States Congress, the United States president or an agency of the federal government.

Every bill, resolution or memorial must be introduced (filed) by a member or members. The House of Representatives generally limits the number of bills that can be filed by each member to six per regular session. There is no limit on the number of bills filed by senators. Each house sets a deadline beyond which new bills may not be filed. The introducer is invited to present any bill before the committee when a committee begins consideration of it. Occasionally bills are filed with a “by request” notation, meaning that some constituent, agency or group has urged introduction of it, but the legislator is not totally committed to it. Each house has a drafting staff to put bills in proper form and to prepare them for introduction. Each bill is numbered when it is filed with the Secretary of the Senate (even numbers) or the Clerk of the House (odd numbers).

How an Idea Becomes a Law

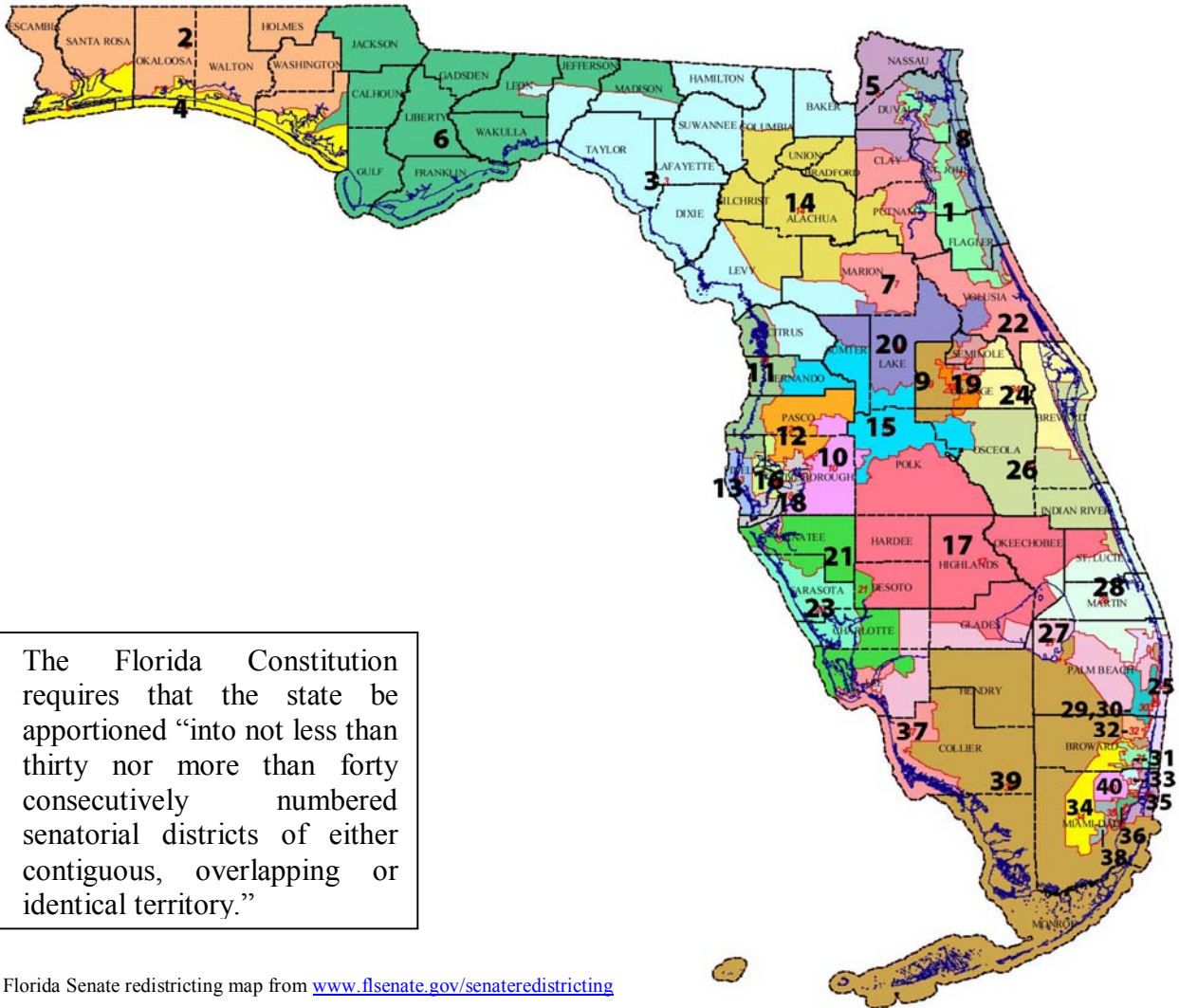
Either house may originate any type of legislation, however the processes differ slightly between houses. In general, a legislator sponsors a bill, which is referred to one or more committees related to the bill's subject. The committees study the bill and decide if it should be amended, pass, or fail. If passed, the bill moves to other committees of reference or to the full house. The full house then votes on the bill.

Figure 3 – How an Idea Becomes a Law



If the bill passes in one house, it is sent to the other house for review. A bill goes through the same process in the second house as it did in the first. A bill can go back and forth between houses until a consensus is reached. The measure could fail at any point in the process.

Figure 4 – Florida Senate Districts 2006 - 2008



The Florida Constitution requires that the state be apportioned “into not less than thirty nor more than forty consecutively numbered senatorial districts of either contiguous, overlapping or identical territory.”

Florida Senate redistricting map from www.flsenate.gov/senateredistricting

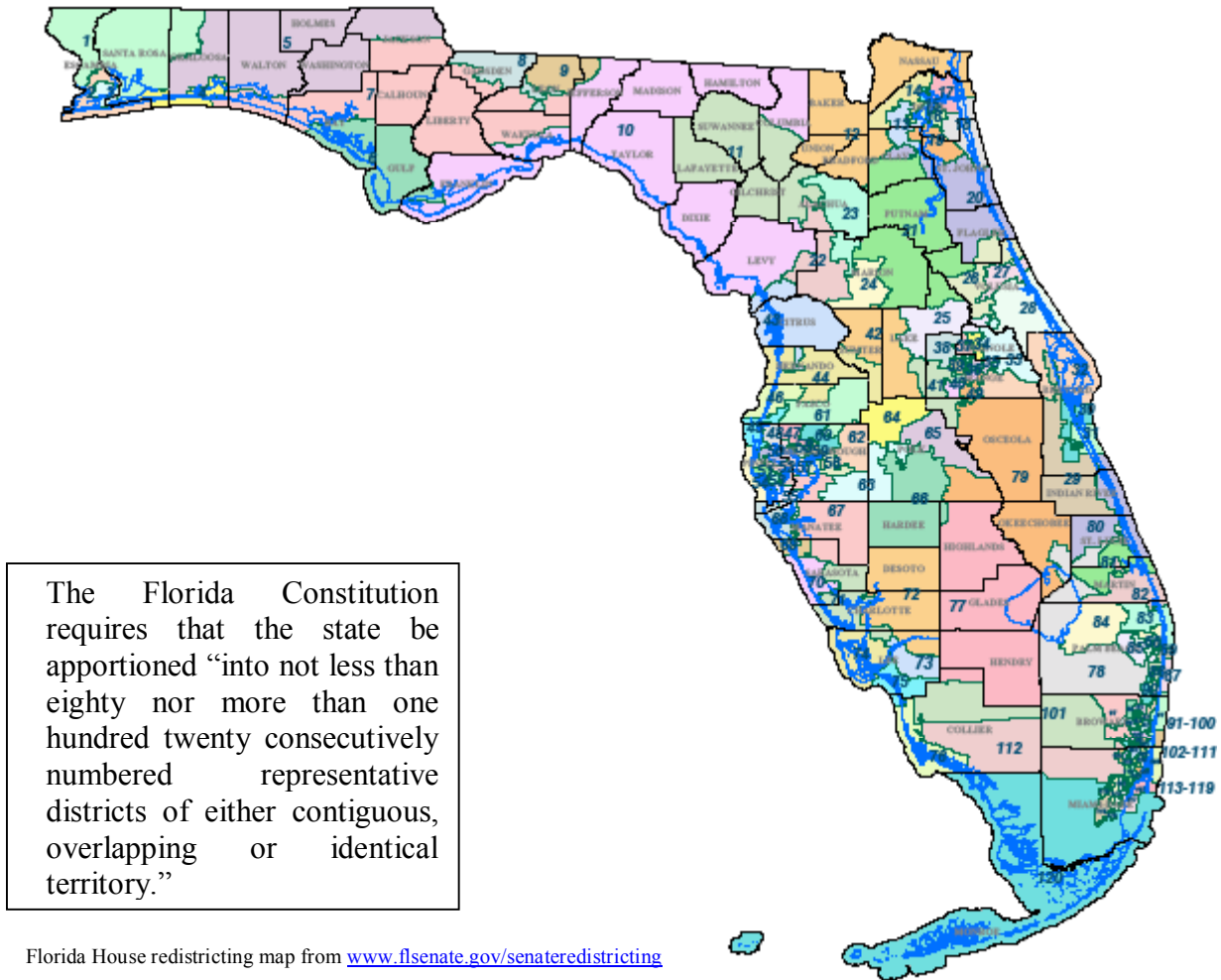
Sources of Legislative Information

❖ On-Line Sunshine: The Florida Legislature's home page

The Florida Legislature's Home Page on the Internet (www.leg.state.fl.us) is a gateway to the Florida Senate (www.flsenate.gov) and Florida House (www.myfloridahouse.gov) websites. These websites provide legislator contact and committee information, as well as ways to locate, check the status of, search and download bills by subject or by sponsor.

The advent of computer tracking of bills through the legislative process has made it much easier for legislators, lobbyists, journalists and citizens to know what is happening to any individual bill. Bill status books, produced by computer, are available at a number of locations in the Capitol and have listings of all bills, resolutions and memorials by number, subject and

Figure 5 – Florida House Districts 2006 – 2008



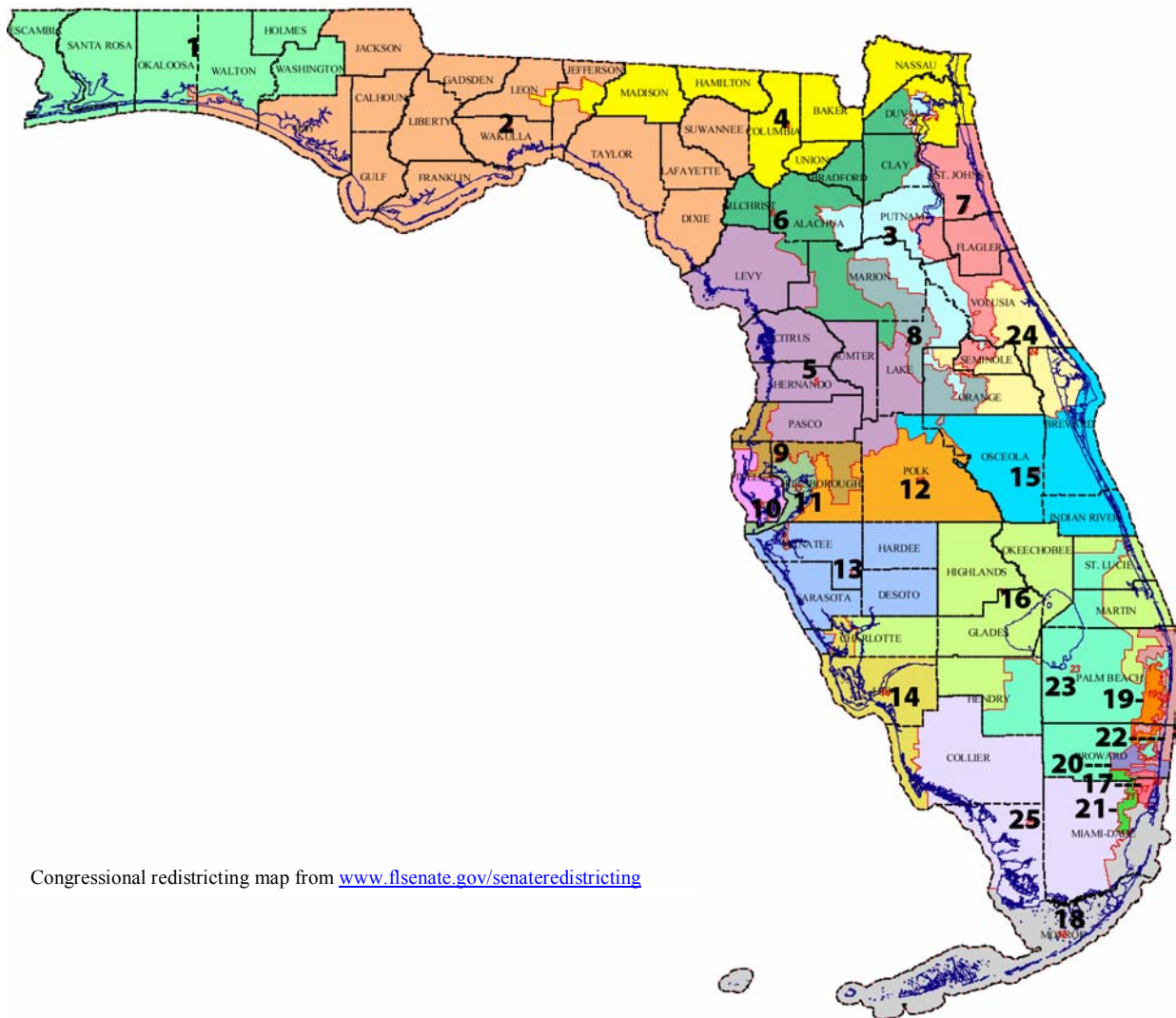
sponsor together with a brief summary of action taken to date. Computers are also located throughout the Capitol, together with instructions on how to obtain instant information about a bill.

❖ Publications

Bills are printed and made available online at the Senate and House websites following introduction by individual legislators or a committee. Single copies of bills as introduced, committee substitutes, engrossed or enrolled, may be accessed online or requested by mail from the House or Senate.

Calendars, both interim and daily during session, are published by each house and are available online at the Senate and House websites. Calendars contain bills by title as introduced, with committee assignments, announcement of committee meetings and bills to be considered, and business to be considered in the chamber.

Figure 6 – Florida Congressional Districts 2006 - 2008



Congressional redistricting map from www.flsenate.gov/senateredistricting

Journals are published daily by each house during session. The Journal is the final word on action taken by the full House or Senate. Debate is not recorded. Full text of amendments considered and actions on bills are recorded. All roll calls are recorded; however many floor amendments occur by voice vote and are not recorded by member. Each day's proceedings are available at no cost in the House and Senate Document Centers and online at the Senate and House websites.

Daily Legislative Bill Information, referred to as the Citator, is published daily during session to reflect the progress of legislation through the preceding day. The Citator, which is available online at the Senate and House websites, contains the following information:

- Statistics Report - a statistical breakdown of all bills by bill number, bill type and actions (i.e., passed, died in committee, etc.).

- History of Senate Bills and History of House Bills - by bill number and type, includes introducer, linked, identical, similar, and compare bills, effective date, brief description of the bill, and chronological history.
- Introducer/Sponsors Report - a listing of all bills introduced/sponsored by a legislative member or committee.
- Subject Index - a listing of all bills introduced/sponsored by a legislative member or committee. If applicable, a section under each introducer/sponsor's name includes passed identical/similar/compare bill(s) to introducer/sponsor's bills which did not pass.
- Statute/Constitution Citations - Florida Statute citations by chapter and section number and Florida Constitution citations by article and section number for all bills.
- Veto messages received from the governor concerning prior legislation.

Commission on Ethics

The Florida [Commission on Ethics](#) was created by statute in 1974. It was made a constitutional body and given additional powers by the 1976 Sunshine Amendment to the Florida Constitution, Article II, Section 8 (f). The commission serves as guardian of the standards of conduct for officers and employees of the state and its political subdivisions.

The commission's responsibilities are:

- to receive, investigate and make public reports on all sworn complaints of violations of the Code of Ethics filed by any citizen against a public officer, employee or candidate;
- to render binding advisory opinions as to the applicability of the Code of Ethics when requested by candidates, public officers or public employees; and
- to prescribe forms for financial disclosure and possible conflicts of interest.

All proceedings of the commission become public records, although complaints initially are confidential.

Five members of the commission are appointed by the governor and two members are appointed each by the president of the Senate and the speaker of the House of Representatives. Members serve two-year terms. There is no financial compensation, but travel expenses are paid by the state.

There are specific qualifications for appointees. One of the governor's appointees must be a former city or county official and no more than three of the governor's appointees may be of the same political party. The two appointed by the president of the Senate must be of different political parties, as must the two appointed by the speaker of the House. No member of the commission may hold any public employment or office or work as a state or local government lobbyist.

Public Service Commission

The [Public Service Commission](#) is an independent regulatory agency serving the public by making sure that Florida's consumers receive their electric, natural gas, telephone, water, and wastewater services in a safe, affordable, and reliable manner.

The Commission exercises regulatory authority over privately owned utilities in the areas of rate base/economic regulation and competitive market oversight and monitors safety, reliability, and service quality.

The Commission balances the interests of utilities, their shareholders and their customers. Traditionally, the Commission achieved this goal by establishing exclusive utility service territories, regulating rates and profits, and requiring utilities to provide service to all who requested it. For electric, water and gas customers in the state, traditional methods for achieving this balance continue today. In 1995, legislative action to increase competition in local telephone markets called for the Commission to promote competition and make sure that neither the new nor existing local telephone companies gain an unfair market advantage.

The commission consists of five members selected for their knowledge and experience in one or more fields substantially related to the duties and functions of the commission. These fields include economics, accounting, engineering, finance, energy, public affairs and law. Commissioners are appointed by the governor and confirmed by the Senate, and serve terms of four years.

The first woman elected to any public office in Florida won a seat on the commission in 1928.

The commission's activities are funded through a Regulatory Trust Fund composed of fees paid by utilities regulated by the commission. Maximum fees are set by statute and the actual fees are established by rule.

Judicial Branch

The [judicial branch](#) seeks to protect rights and liberties, uphold and interpret the law, and provide for the peaceful resolution of disputes.

Article V of the Constitution of Florida establishes courts in which judicial power is vested and provides for administration of the judicial branch of Florida. An amendment to the Florida Constitution adopted in 1972 changed Florida's judiciary from a conglomeration of overlapping and autonomous courts to a unified, simplified, consolidated system, with centralized authority and administrative supervision of all Florida courts. Judicial power of the state is now vested in two levels of courts: appellate courts and trial courts. Appellate courts are those having the power to review and affirm, reverse, modify and send back with further instructions the judgments or decisions of a lower court. The Supreme Court and the district courts of appeal are the appellate levels in the Florida system. Trial courts are the circuit courts and the county courts.

Justices and judges are compensated by state salaries fixed by general law. As of October 1, 2006, Supreme Court justices received \$161,200; district appellate judges \$153,140; circuit judges \$145,080; and county judges \$137,020.

Administration

The chief justice of the [Supreme Court](#) is the chief administrative officer of the judicial system and is chosen for a two-year term by the majority of the members of the Supreme Court. The chief justice oversees the state courts' budget and has the power to assign justices or judges to temporary duty in any court on which the judge is qualified to sit. The chief judge is responsible for the administrative supervision of the circuit and county courts in the circuit.

Effective July 1, 2004, the state is required to fund most court functions under a unified state courts' budget. Counties still pay for things such as construction and maintenance of local courthouses.

Eligibility

To be eligible for the office of justice or judge of any court in Florida, the person must be an elector of the state and reside within the jurisdiction of that court. No judge or justice can serve after reaching age 70 except upon temporary assignment, or if age 70 occurs during the second half of the six-year term, he or she can complete the term. To be eligible for the office of Justice of the Supreme Court or judge of a district court of appeal, one must have been a member of The Florida Bar for the preceding 10 years. To be eligible for the office of judge of the circuit court, one must have been a member of the Florida Bar for the preceding five years. To be eligible for the office of county court judge a person must be an elector of that county and must have been a member of the Florida Bar for the preceding five years unless a county has a population of 40,000 or less in which case one only need be a member of the Bar.

All justices and judges must devote full-time to their judicial duties. They cannot practice law or hold office in any political party. Standards for judicial ethics are established in the [Code of Judicial Conduct](#).

Appointment, Election and Merit Retention

Justices of the Florida Supreme Court and judges of the district courts of appeal are put in office by the governor, who must select from a list of three to six names for each vacancy submitted by a judicial nominating commission. New justices and appellate judges face their first merit retention vote in the next general election that occurs more than a year after their appointment. If the voters have been dissatisfied with the judge's performance in office and a majority of the voters vote “no” on the issue of retention, the judge is replaced. Justices and judges serve six-year terms and stand for merit retention election at the end of each term.

Trial judges stand for election in nonpartisan races every six years. However, if a vacancy occurs before the end of the judge’s term, the governor appoints a replacement in a manner similar to the way appeals judges are chosen.

A majority of those voting in the jurisdiction of a county or circuit may approve a local option to select county or circuit judges by merit selection and retention or by election.

The governor fills judicial vacancies, whether caused by removal from office, death, resignation or reaching the age of 70, and in the case of appellate judges, if a judge chooses not to be a candidate for office or receives a negative response on the question of merit retention. The governor fills each vacancy in a judicial office by appointing one of not fewer than three nor more than six persons nominated for each vacancy by the judicial nominating commission for the particular level of court involved.

Judicial Nominating Commissions

There are separate judicial nominating commissions for the Supreme Court, each district court of appeal and each judicial circuit. Each commission has nine members, serving staggered four-year terms. Four members are appointed by the governor from a list supplied by the Board of Governors of The Florida Bar from the actively practicing members of The Bar in the territorial jurisdiction of that court. Five members are appointed directly by the governor; each must be a resident of the jurisdiction served and at least two must be members of the Florida Bar engaged in the practice of law. Judges and justices are not eligible to serve on judicial nominating commissions.

In November 1984, citizens of Florida passed a constitutional amendment establishing uniform rules of procedure for each level of the judicial qualifications commission and opening the meetings of the commissions to the public, except for deliberations on applicants.

Appellate Courts: The Florida Supreme Court

The highest court in the state, the Supreme Court is composed of seven justices with at least one being from each appellate district. Five are required for a quorum; four must concur for there to be a decision of this court. The Supreme Court decides the most important legal issues

in the state but has constitutionally limited jurisdiction. The Constitution distinguishes between the high court's mandatory and discretionary jurisdiction.

❖ **Mandatory Jurisdiction**

The issues that form the Court's mandatory jurisdiction are:

- final orders imposing the death penalty;
- decisions of the district courts of appeal declaring invalid a provision of the State Constitution or a statute;
- final judgments on bond validations; and
- certain orders of the Public Service Commission on utility rates and services.

❖ **Discretionary Jurisdiction**

The Court exercises its discretionary jurisdiction in the following instances:

- decisions of district courts of appeal expressly declaring a state statute valid;
- decisions of district courts of appeal expressly construing a provision of the state or federal constitution;
- decisions of district courts of appeal that expressly affect a class of constitutional or state officers;
- conflicting decisions between two or more district courts of appeal or between a district court of appeal and the Supreme Court on the same question of law;
- district courts of appeal decisions that pass upon questions certified by the district courts of appeal as a matter of great public importance;
- orders of trial courts certified to be of great public importance by a district court of appeal in which an appeal is pending and certified by that district court of appeal to require immediate resolution by the Supreme Court;
- questions of law certified by the United States Supreme Court or a United States Appellate Court, the answers to which will determine the cause and for which there is no controlling Florida Supreme Court precedent; and
- advisory opinions to the governor, upon request, on questions related to the governor's constitutional duties and powers.

If the reviewing power is not explicitly provided to the Florida Supreme Court in the Florida Constitution, the Court may not decide for itself to hear a case. This is an important distinction between Florida's Supreme Court and the United States Supreme Court, which may still use the common law writ to select cases it wishes to hear.

❖ **Duties**

The Supreme Court is charged with adopting rules for practice and procedure in all courts in the state. These rules may be repealed but not modified by a two-thirds vote of the Legislature. The Supreme Court has exclusive jurisdiction to regulate the admission of persons to the

practice of law and to discipline and remove judicial officers who have been found to violate the Code of Judicial Conduct.

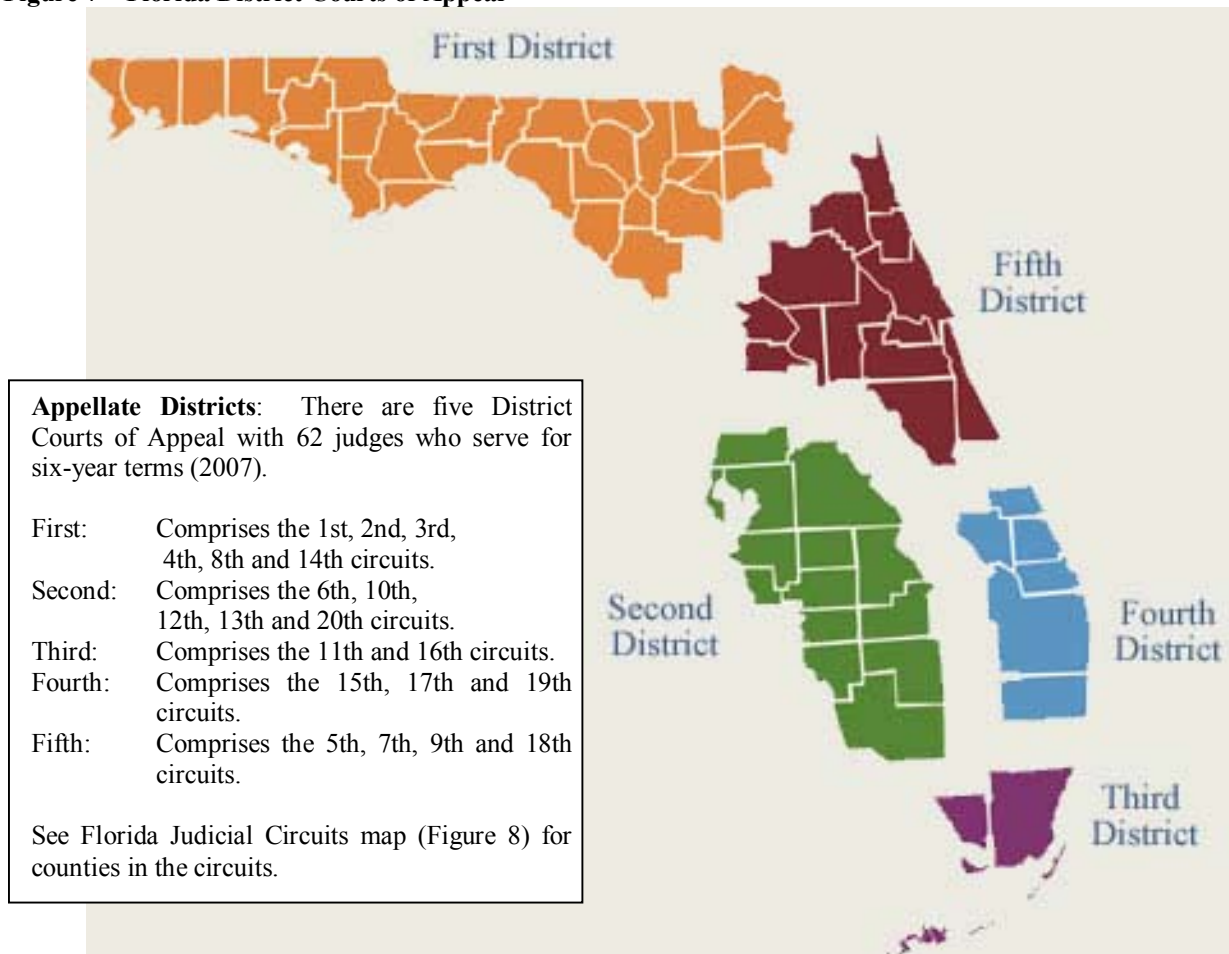
The Chief Justice recommends to the Legislature the total budget for the judicial system. The Chief Justice also recommends any changes in the total number of courts, as well as recommending whether additional or fewer judges are needed in each established court.

Appellate Courts: District Courts of Appeal

Most appeals from the trial courts (circuit) are taken to the [district court of appeal](#) where courts sit in panels of three judges. Two judges must concur to render a decision. There are currently five districts with a total of 62 judges. In each district court of appeal, a chief judge is selected by the other judges to be responsible for the administrative duties of the court.

District Courts of Appeal can hear appeals from final judgments and by general law, they have been granted the power to review final actions taken by state agencies in carrying out the duties of the executive branch of government.

Figure 7 – Florida District Courts of Appeal



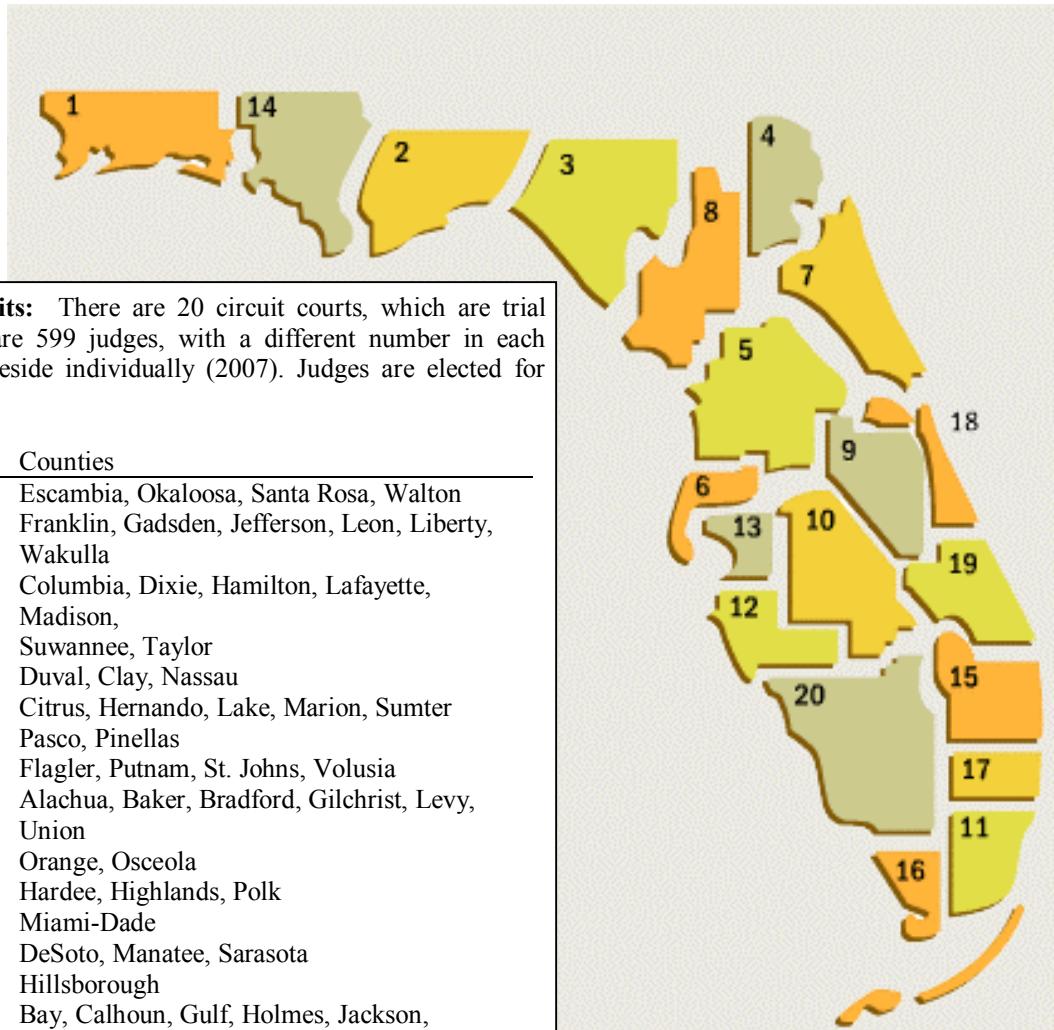
District map from http://www.flcourts.org/courts/dca/dca_dist.shtml

Trial Courts

❖ Circuit Courts

The majority of trials take place before one judge sitting as a judge of the [circuit court](#). The circuit court is the court of origination in all civil cases involving over \$15,000. The circuit court is also the court of original jurisdiction for cases involving family issues such as divorce, custody or guardianship, probate, juveniles and competency. Its jurisdiction also includes cases involving real property titles and tax assessments. It may issue injunctions and also hears certain appeals from the county courts. There are 20 circuits in the state with a total of 599 judges (2007).

Figure 8 – Florida Judicial Circuits



Judicial Circuits: There are 20 circuit courts, which are trial courts. There are 599 judges, with a different number in each circuit, who preside individually (2007). Judges are elected for six-year terms.

Circuits	Counties
1st	Escambia, Okaloosa, Santa Rosa, Walton
2nd	Franklin, Gadsden, Jefferson, Leon, Liberty, Wakulla
3rd	Columbia, Dixie, Hamilton, Lafayette, Madison, Suwannee, Taylor
4th	Duval, Clay, Nassau
5th	Citrus, Hernando, Lake, Marion, Sumter
6th	Pasco, Pinellas
7th	Flagler, Putnam, St. Johns, Volusia
8th	Alachua, Baker, Bradford, Gilchrist, Levy, Union
9th	Orange, Osceola
10th	Hardee, Highlands, Polk
11th	Miami-Dade
12th	DeSoto, Manatee, Sarasota
13th	Hillsborough
14th	Bay, Calhoun, Gulf, Holmes, Jackson, Washington
15th	Palm Beach
16th	Monroe
17th	Broward
18th	Brevard, Seminole
19th	Indian River, Martin, Okeechobee, St. Lucie
20th	Charlotte, Collier, Glades, Hendry, Lee

Circuit map from http://www.flcourts.org/courts/circuit/cir_dist.shtml

There is a circuit court clerk in each county in each circuit. The clerk of the circuit court is a constitutional officer of the county who manages and preserves the records in all judicial proceedings. The clerk is elected to four-year terms.

❖ **County Courts**

There is one [county court](#) in each county but judges may actually sit in such suitable locations as are convenient to the county and municipalities. The jurisdiction of the county courts includes small claims, county and municipal ordinance violations, traffic offenses and civil disputes up to and including \$15,000 including landlord-tenant disputes and criminal misdemeanors that result in a one-year maximum sentence. There are currently 322 county court judges. The Florida Constitution authorizes establishment of civil traffic hearing officers to preside over civil traffic infractions. All counties are eligible for the program.

❖ **State Attorney and Public Defender**

A state attorney and a public defender are elected on a partisan ballot for four-year terms in each circuit. Both constitutional officers must be electors of the state, reside in the circuit and have been members of The Florida Bar for the preceding five years. The state attorney is the prosecuting officer of all criminal trials in the circuit courts. The public defender represents indigent criminal defendants. Assistants are authorized and appointed in accordance with caseload. Funds for these functions come from the state.

Auxiliary Organizations

❖ **Judicial Qualifications Commission**

The [Judicial Qualifications Commission](#) is an independent agency created by the Florida Constitution solely to investigate alleged misconduct by Florida state judges. The commission is divided into two panels: an investigative panel and a hearing panel. It operates under rules it establishes for itself. Discipline can be reprimand, fine, suspension with or without pay, removal from office, disbarment or no discipline.

The fifteen members of the commission serve staggered six-year terms. No member may be eligible for state judicial office or be an officer in a political party or hold public office excepting only judges. The members elect their own chairman.

Until the Notice of Formal Charges against a justice or judge is filed with the clerk of the Supreme Court, all proceedings by or before the commission are confidential. Upon a majority vote, the panel may recommend appropriate discipline of a justice or judge. The Florida Supreme Court has final say in what, if any, punishment is imposed for misconduct as a judge and also imposes discipline on attorneys.

❖ **Florida Board of Bar Examiners**

Admission to practice law in Florida is a judicial function. The [Board of Bar Examiners](#) is designed to assure only qualified persons will be admitted to the practice of law. They conduct written exams and investigate character and other qualifications of applicants. It is composed of three non-lawyer members who serve three-year terms and twelve members of the Bar who

serve staggered five-year terms. Members are usually selected by the Supreme Court from nominees submitted by the Board of Governors.

❖ **The Florida Bar**

The [Florida Bar](#), with executive offices in Tallahassee, is the statewide professional organization of lawyers. Florida has an “integrated bar,” which means all lawyers admitted to the practice of the law in Florida must be members of the official professional association. The Bar provides services to lawyers, including overseeing voluntary activities such as lobbying and legal education for lawyers, but its primary function is to regulate the legal profession. The governing body is the Board of Governors, whose members are elected by members of The Bar.

The Florida Bar, as an arm of the Supreme Court, is a subordinate entity under the direction of the judicial branch of the government. The Bar exercises only such powers as are specifically delegated to it to regulate lawyers. Lawyers are “officers of the court” and the judicial branch retains full control over them. The Bar is responsible for recommending disciplinary actions against attorneys, but the Florida Supreme Court has final authority over all attorney conduct. The authority for the establishment and maintenance of The Florida Bar as an integrated bar association is a 1949 rule of the Supreme Court based on the Court's constitutional authority to regulate the practice of law in Florida.

Education

Florida's system of education changed significantly as a result of several constitutional amendments proposed by the 1998 Constitutional Revision Commission and, in 2002, by citizen initiative.

Specifically, it was made a "paramount duty of the state to make adequate provision for the education of [all its] children" and to ensure that the public school system be "efficient, safe, secure, and high quality" and allow students to "obtain a high quality education."

It was mandated that every four-year-old child in Florida be offered a voluntary, free, "high quality pre-kindergarten learning opportunity."

Class sizes were also limited "to assure that children attending public schools obtain a high quality education." The Legislature was charged with ensuring, by the beginning of the 2010 school year, that there are a sufficient number of classrooms so that there are:

- no more than 18 students per teacher for pre-kindergarten through grade 3;
- no more than 22 students per teacher for grades 4 through 8; and
- no more than 25 students per teacher for grades 9 through 12.

At the post-secondary level, a new university system was created to oversee the state's public universities, under the responsibility of a newly created state Board of Governors. Each public university is now administered by a local Board of Trustees dedicated to the purposes of the state university system.

Finally, to shift responsibility for oversight of the state's public education system from the governor and Cabinet to a body that would provide full-time supervision, the elected Cabinet office of the Commissioner of Education was eliminated and an appointed State Board of Education was created. The Department of Education, in the Executive branch, carries out most of the responsibilities of the State Board of Education. See chapter on Executive Branch Departments.

Early Learning/Pre-K

The [Department of Education/Office of Early Learning](#) works in collaboration with the [Agency for Workforce Innovation](#) and the [Department of Children and Families](#) to implement the [Voluntary Pre-kindergarten Education program](#).

K-12 Education

Florida's system of public schools is supervised by the [State Board of Education](#), which is the chief policymaking and coordinating body for public education. While most of these responsibilities are carried out by the [Department of Education](#), the Board adopts comprehensive objectives and long- and short-range plans and programs for development of the

state's public education system. The State Board of Education is composed of seven members appointed by the governor to staggered 4-year terms, subject to confirmation by the Senate.

The State Board of Education appoints the commissioner of education who serves as the head of the Department of Education. The commissioner is the chief educational officer of the state and is responsible for providing full assistance to the State Board of Education in enforcing compliance with the mission and goals of Florida's education system.

Within the Department of Education, the [Division of Public Schools](#) is responsible for ensuring the greatest possible coordination, efficiency and effectiveness of education for kindergarten through grade twelve. The major responsibility of this division is to ensure a high-quality educational experience for all students and to provide Florida's teachers and principals the training and tools they need to increase student achievement.

❖ Educational Choice and Other Student/Parent Rights

In Florida, K-12 students and parents are afforded, by statute, the right to educational choice. Florida's [educational choice options](#) include public school choice, private school choice, home education, and private tutoring. Public school choice options include, but are not be limited to, controlled open enrollment, lab schools, charter schools, schools-within-schools, year-round schools, charter technical career centers, and magnet schools. Private school choice options include the McKay Scholarships for Students with Disabilities Program, in which the parent of a student with a disability may request and receive a scholarship for the student to attend a private school. A second private school choice option, the Corporate Income Tax Credit Scholarship Program, is available for children from low-income families.

In addition, Florida statutes provide that:

- all education programs, activities, and opportunities offered by public educational institutions must be made available without discrimination on the basis of race, ethnicity, national origin, gender, disability, or marital status;
- public school students with disabilities must be provided the opportunity to meet the graduation requirements for a standard high school diploma;
- blind students have the right to an individualized written education program and appropriate instructional materials to attain literacy;
- limited English proficient students have the right to receive ESOL (English for Speakers of Other Languages) instruction designed to develop the student's mastery of listening, speaking, reading, and writing in English as rapidly as possible, and the students' parents have the right of parental involvement in the ESOL program; and
- any K-3 student who exhibits a reading deficiency be given intensive reading instruction until the deficiency is corrected.

❖ School Improvement and Education Accountability

Florida's efforts in the area of education accountability date back to 1971, when the first Educational Accountability Act was passed. Efforts continued with the 1973 Omnibus Education Act and the 1976 Educational Accountability Act.

In 1991, the Legislature created a system of school improvement and educational accountability, formerly referred to as “Blueprint 2000.” [Sunshine State Standards](#), approved in 1996 and revised thereafter, were developed to identify what Florida public school students should know and be able to do during each grade cluster (now grade level) in the areas of language arts, mathematics, science, social studies, the arts, health and physical education, and foreign language. Recognizing the need for a systematic approach to review and revise all academic standards, the State Board of Education adopted, in 2006, a six-year cycle that set forth a schedule for the regular review and revision of K-12 content standards. This move went beyond increasing the rigor of the standards, and included the alignment of the new standards with assessments, instructional materials, professional development, and teacher licensure exams.

In addition, in keeping with the decision to return responsibility for school improvement to those closest to the students, each school board is required to establish a school advisory council (SAC) for each school in its district composed of the principal, teachers, education support employees, students, parents, and business and community representatives. The SAC is responsible for the school’s system of school improvement and education accountability, including the annual plan to achieve the state’s education priorities and student proficiency on the Sunshine State Standards. The school board and the Department of Education play a role in this process by providing performance indicators, guidelines, and reporting requirements, and encouraging innovation.

❖ **The Florida Comprehensive Assessment Test (FCAT)**

The [Florida Comprehensive Assessment Test \(FCAT\)](#) was first administered in 1998 in all Florida public schools to measure student progress in meeting the Sunshine State Standards. The FCAT, administered to students in Grades 3-11, contains two basic components: criterion-referenced tests, measuring selected benchmarks in mathematics, reading, science, and writing; and norm-referenced tests in reading and mathematics, measuring individual student performance against national norms.

The FCAT test items are initially written by commercial testing contractors, such as CTB/McGraw-Hill and Pearson Education, Inc. (formerly Harcourt Educational Measurement). However, all items are reviewed and revised through a committee process by Department of Education staff, by teachers employed by the FCAT Test Development Center headquartered in the Leon County School District, by practicing Florida classroom teachers and curriculum supervisors, and by experts in the field. The test results form the basis for the school accountability program.

Local Administration of K-12 Public Schools

Each of the 67 counties constitutes a separate school district with a district school board and a superintendent of schools. There are also four laboratory schools affiliated with Florida universities that constitute separate districts as well as separate districts for the Deaf/Blind and the Florida Virtual School.

❖ School Board

Each district has a school board of five or more members chosen in a nonpartisan election for staggered four-year terms. The school board operates, controls and supervises all public schools within the district and determines the rate of school district taxes. The specific responsibilities of local school boards are specified by statute and include:

- establishing, organizing and operating schools;
- designating positions to be filled and qualifications therefore, and providing for the compensation, promotion, suspension and dismissal of employees;
- providing for student welfare;
- providing adequate instructional materials for students;
- providing for the transportation of students to public schools and school activities and approving transportation routes;
- approving plans for locating, planning and constructing school property;
- providing for all schools to operate for at least 180 days per year;
- causing the preparation, adoption and submission to the Department of Education of the annual school budget;
- determining the district school tax levy necessary to fund the school program adopted for the coming year;
- providing for keeping accurate records of all financial transactions;
- contracting for materials, supplies, and services needed for the district school system;
- providing for the keeping of all necessary records and the making of all needed or required reports, including required reports to the Department of Education and periodic reports of student progress to parents;
- ensuring provision of school lunch services consistent with needs of students;
- developing and putting in place a public information and parental involvement program;
- maintaining a system of school improvement and education accountability as provided by statute;
- declaring, in its discretion, an emergency in cases in which one or more schools in the district are failing or are in danger of failing and negotiating special provisions of its contract with bargaining units to free these schools from contract restrictions that limit the school's ability to implement programs and strategies needed to improve student performance.

Two or more school districts may operate and finance joint educational programs. Salaries of school board members are set by the Legislature according to the population of the county.

❖ Superintendent of Schools

According to the Constitution, each school district has a superintendent of schools who is elected for a term of four years, or, when provided by resolution of the district school board or by special law approved by the voters, the superintendent may be employed by the school board. (The resolution or special law may be rescinded or repealed after four years.)

The superintendent is the chief executive officer of the school district, responsible for carrying out the policies and decisions of the school board and for recommending changes. The duties and responsibilities of the superintendent are specified by statute. The salary of the superintendent is also set by statute, but a higher salary may be authorized by majority vote of the school board.

Financing Schools

When Florida was organized as a territory in 1822, Congress reserved the 16th section of each township for public schools. During the following year one township was established in each district for seminars, the forerunners of universities. A permanent State School Fund was established from the sales of those properties and from later land sales and appropriations by the Legislature. The fund still exists today and generates revenue; however the interest from it is extremely small in relation to modern school budgets.

County taxes were first allowed to be used for public schools in 1851, and property taxes were required in 1885. Financing education in Florida has evolved to a combined state and county function, and continues to be a struggle between conflicting parties, interests, and philosophies.

❖ Equalizing Education Funding

The vast differences in the numbers of children to be educated in each county and the difference in the value of property from county to county led to the philosophy of equalizing educational opportunities by increasing use of state revenues.

Since 1973, the Florida Education Finance Program provides a specific amount of money from the state for each full-time equivalent (FTE) student enrolled. The program was designed to address individual needs and costs, and sought to assure that the amount of money available for each student was independent of the property wealth of the county in which the student resided. In this regard, it is considered one of the most equitable education funding formulas in the nation.

Today, state funds and required local taxes are combined to provide the basic support for public schools. The required local effort or rate of tax assessment derived from the property tax is set annually by the Legislature, as is the formula for calculating the FTE value of each student.

Recognizing that the costs of educating children vary at different levels and in different programs, these program cost factors and other factors are calculated and added to the FTE. Any county that fails to raise the required local taxes is not eligible to receive state funds.

❖ **Capital Outlay Funding**

The capital outlay expenditures of school districts are funded from three primary sources:

- the state Public Education Capital Outlay (PECO) program, which derives funds from a 2.5 percent tax imposed on the gross receipts of utility companies;
- the state Public Education Capital Outlay and Debt Service Trust Fund (CO&DS), which is funded from the sale of public education bonds and general revenue appropriations, and
- local taxes, principally a discretionary 2-mill property tax for capital outlay.

The 2-mill local discretionary tax for capital outlay can be levied by school districts without a referendum. It is now the primary source of funds for building new schools. The Florida Constitution has a 10-mill cap on property taxes to support local schools.

Two other local taxes permitted for capital outlay purposes and operations are sales surtaxes and local bond referendums. Both require voter approval and cannot exceed two years. Many counties use all or part of their share of race track tax proceeds for educational purposes as well.

❖ **State Lottery Trust Fund**

In 1986, an amendment to the Florida Constitution authorized the state to operate the Florida Education Lotteries, and for the net proceeds to be deposited in a State Education Lotteries Trust Fund, for appropriation by the Legislature. The campaign to pass the amendment stressed that the proceeds would be used for education enhancement and would not be used to replace existing revenue sources.

The 1987 Public Education Lottery Act created the Department of Lotteries to run the lottery. It was to be self-supporting and revenue producing.

Beginning in 2005, the amount of lottery ticket sales returned to the public in the form of prizes is determined by the Department so as to “maximize the amount of revenue earned to enhance education.” Previously, the Act required at least 39 percent of net lottery revenues be used for education. The change was intended to generate higher gross ticket sales and allow greater education funding. Lottery revenue is also used to pay the expenses associated with running the Lottery.

Public education programs financed by the trust may include endowments, scholarships, matching funds, direct grants, research and economic development related to education, salary enhancement and any other program the Legislature deems desirable.

Representing approximately five percent of the state's total education budget in 2007, Lottery funds contribute to K-12 programs in Florida's 67 school districts, school construction and renovation projects throughout the state, additional funding for state universities and community colleges, the Bright Futures Scholarship Program, and other state student financial aid.

❖ Additional Funding

Additional categorical programs are established by the Legislature to reflect the desire of the members to ensure that certain educational needs are met by all school districts. Funds for the programs are appropriated and are essentially earmarked.

Counties are allowed to charge non-resident students a nominal fee, with exceptions for children of migrant workers and military personnel. Public schools also receive funds from the federal government either directly or through the State Board of Education. Examples of federal programs are: school lunch program, rehabilitation and vocational grants and impact fees where federal employment or military bases increase school needs. Other special programs provide funds for the economically, culturally and physically disadvantaged.

The State University System

Florida's public [university system](#) includes (as of 2007) eleven universities with an enrollment of more than 294,000 students, approximately 50,000 faculty and staff, and an annual operating budget of \$8 billion.

Name	Location	Date
University of Florida	Gainesville	1853
Florida State University	Tallahassee	1857
Florida A&M University	Tallahassee	1887
University of South Florida	Tampa	1960
Florida Atlantic University	Boca Raton	1964
University of West Florida	Pensacola	1967
University of Central Florida	Orlando	1968
Florida International University	Miami	1972
University of North Florida	Jacksonville	1972
Florida Gulf Coast University	Fort Myers	1997
New College of Florida	Sarasota	2001

The [Florida Board of Governors](#) operates, regulates, controls, and is fully responsible for the management of the entire system of public universities. Responsibilities include defining the distinctive mission of each university and ensuring the well-planned coordination and operation of the system.

The Board is comprised of seventeen members, fourteen of whom are appointed by the governor and confirmed by the Senate for staggered terms of seven years. The remaining members include the president of the Advisory Council of the Faculty Senate, the commissioner of education, and the chair of the Florida Student Association.

Assisting the Board members in their responsibilities is a professional and administrative office led by a chancellor who serves as the chief executive and administrative officer of the university system and works directly with the Board to set the strategic direction of the state university system.

Efforts undertaken to improve Florida's post-secondary educational offerings include [The 21st Century Technology, Research, and Scholarship Enhancement Act of 2006](#). This legislation

provided for university-based centers of excellence to give Florida a clear position of leadership in key emerging technology areas with the unique potential for future economic and societal impact. The 21st Century World Class Scholars Program provides matching funds to state universities to attract nationally recognized faculty in the areas of the sciences, engineering, and technology and mathematics.

Further, in its 2005 - 2013 strategic plan, the Board committed to a thorough evaluation of the optimum structure for the university system. In 2007, the Board released a report by an independent consultant, The Pappas Consulting Group, titled “Proposing a Blueprint for Higher Education in Florida: Outlining the Way to a Long-term Master Plan for Higher Education in Florida.” The “[Pappas Report](#)” marks the beginning of an initiative called “Forward By Design” to gather public input and involve all stakeholders in framing the future structure of the university system.

❖ **Local Boards of Trustees**

Each of Florida’s public universities is administered by a board of trustees consisting of thirteen members dedicated to the purposes of the state university system. Each board of trustees consists of six citizen members appointed by the governor and five citizen members appointed by the board of governors; all are confirmed by the Senate and serve staggered five-year terms. The chair of the Faculty Senate, or the equivalent, and the president of the Student Body of the university are also members.

The Community College System

Florida’s 28 community colleges offer the first two years of a baccalaureate degree, vocational education, and adult continuing education. In addition, since 2001, several community colleges have been given permission to offer the four-year baccalaureate degree, with an initial emphasis on teacher education, nursing and computer technology.

While governed by local boards, the colleges are, since 2001, coordinated under the jurisdiction of the State Board of Education. Administratively, the chancellor of community colleges is the chief executive officer of the system, reporting to the commissioner of education. Policy for the community college system generates from activities of the State Board of Education and is authorized by the Florida Legislature.

Elections

Florida's election process is overseen by the [Division of Elections](#) within the Department of State. [Local supervisors of elections](#) administer elections within each county, among other responsibilities.

Florida voters choose members of Congress and the Florida Legislature, a governor and lieutenant governor who run as a team, three state Cabinet members, and county, city and district officials. The names of unopposed candidates do not appear on the ballot.

Partisan elections are held in the fall of each even-numbered year. Non-partisan elections may be held at the same time or independently. Polls are open from 7 a.m. to 7 p.m. Early voting is held at designated sites for designated hours. Photo and signature ID are required to vote; otherwise a provisional ballot must be cast.

Voter Registration

In order to register to vote to Florida, a person must:

- be a citizen of the United States;
- be a Florida resident;
- be 18 years old (one may preregister at age 17 or if one has been issued a driver license, whichever comes earlier);
- not now be adjudicated mentally incapacitated with respect to voting in Florida or any other state;
- not have been convicted of a felony in Florida, or any other state, without her or his civil rights having been restored;
- provide her or his current and valid Florida driver license number or Florida identification card number, or the last four digits of her or his social security number, or absent these, write "NONE" in the box provided on the voter registration application.

Since the implementation of the National Voter Registration Act in 1995, citizens may register to vote when renewing their driver license, in libraries, agencies providing public assistance, agencies serving the handicapped, and in Centers for Independent Living. They may also register at the office of the supervisor of elections in the county where they reside, apply to the supervisor of elections to register by mail, or fill out a voter registration form at the supervisor of elections website site and print, sign, and mail it. Absentee registration can be done by federal postcard application by members of the armed forces in active service and their families, by members of the merchant marine and by residents of Florida living outside the United States. The application should be sent to the office of the supervisor of elections in the county of the citizen's permanent residence or the Division of Elections.

Registering voters choose whether or not they wish to be affiliated with a political party. Because Florida is a “closed primary state,” only those registered as a Democrat or Republican may vote in the respective party's primary election. However, if all candidates for an office have the same party affiliation and the winner will have no opposition in the general election, all qualified voters, regardless of party affiliation, may vote in the primary election for that office. All voters are qualified to vote in non-partisan, general and referendum elections within their jurisdiction.

Registration books close twenty-nine days before each election. Changes of party affiliation made after the registration deadline for the primary will not be effective until the general election.

Registration records are a matter of public record and there are no restrictions on access to voter lists. Although signatures and social security numbers are redacted, all other voter information is available to the public.

❖ **Changes in Registration**

Changes in name, address or party affiliation can be made either in person, or by filling out a new voter registration form. Changes of name and address (if within the same county) can also be filed at the polls by filling out an affidavit under oath. Changes in address within the county can be done over the phone.

Types of Elections

In Florida, there are six types of elections: the presidential preference primary, other primary elections, the general election, special elections, bond elections and non-partisan elections.

❖ **Presidential Preference Primary**

In May 2007, the Florida Legislature passed a bill that moved the date of the state's presidential preference primary to the last Tuesday in January of each presidential election year.

❖ **Other Primary Elections**

In the years when a general election is held, a primary election for the nomination of political party candidates occurs on the Tuesday ten weeks prior to the general election. In the primary election the voter selects from the candidates of the political party in which the voter is registered. If all candidates for an office have the same party affiliation and the winner will have no opposition in the general election, all qualified voters, regardless of party affiliation, may vote in the primary election for that office. An election reform bill passed in 2005 permanently eliminated Florida's “second primary.” Now, in the event of a tie, the two candidates who are tied draw lots and the winner becomes the party's nominee in the general election.

❖ **General Election**

The general election is held on the first Tuesday after the first Monday in November of even-numbered years. In this election voters may choose from the nominees of the political parties and any independent or write-in candidates; the candidate with the most votes wins.

Amendments to the Florida Constitution and local referendum issues may also be on the general election ballot.

❖ **Special Elections**

Vacancies in elective office may be filled either by special election or by appointment, as required by law. A special election to fill a vacancy in a partisan office will necessitate a special primary election as well as a special general election.

❖ **Bond Elections**

The governing authority of any county, district or municipality may hold a bond election to determine whether bonds should be issued for a particular purpose. To vote on a bond issue that may result in the levy of taxes against real property, the voter must reside in the area affected. However, the voter does not have to be a property owner to vote.

❖ **Non-partisan Elections**

Judges and school board, independent district and most city officials are chosen by non-partisan election. Judicial elections are more fully described in the chapter on the Judicial branch. Cities hold elections according to their charters.

Absentee Voting

A voter can request an absentee ballot in person, by telephone or by mail at the office of the supervisor of elections in the county where they reside, or by completing an absentee ballot request form online at the supervisor of elections' website.

An absentee ballot can be requested by the voter, an immediate family member or a legal guardian. The completed absentee ballot must be returned to the elections office by 7 p.m. on Election Day. Ballots from overseas may be returned by fax or by mail to the supervisor of elections so that it is received no later than 7 p.m. on Election Day.

If a voter obtained an absentee ballot but then is able to vote in their precinct on Election Day, they must take the absentee ballot with them to the polls, whether or not it has been marked. If they are unable to return the absentee ballot, they may vote a provisional ballot.

In-Person Absentee Voting (Early Voting)

The 2004, the Legislature standardized early voting throughout the state. Early voting is defined as “casting a ballot prior to Election Day at a location designated by the supervisor of elections and depositing the voted ballot in the tabulation system.”

Early voting must begin 15 days before an election and end on the second day before an election. The supervisor of elections must offer early voting in the main or branch office of the supervisor, and may also designate any city hall or public library as an early voting site; however, if so designated, these sites must be geographically located so that all voters in the county will have an equal opportunity to cast a vote. Early voting sites must be designated 30 days prior to an election.

Early voting must be conducted eight hours per day on each weekday during the early voting period and eight hours in the aggregate for each weekend during the period.

Filing

Candidates for Congress, governor, lieutenant governor, Cabinet, Legislature, state attorney, public defender and judge (except county court) file their papers qualifying to run for office with the Division of Elections of the secretary of state's office in Tallahassee.

Candidates for county judge, school board, county commission and other county and independent district offices file their qualifying papers with their county's supervisor of elections. The filing office for municipal candidates is controlled by their city charter and is generally the office of the city clerk. Write-in candidates must also file with the appropriate office in order to have votes for them counted in a general election.

All candidates are required to file financial disclosure information and, once they have opened a campaign treasury, are required to file regular reports of contributions and expenditures.

Florida Elections Commission

The [Florida Elections Commission](#) receives sworn complaints of alleged violations of election and campaign finance laws and determines whether probable cause exists to believe there has been a violation. If so, the Commission decides whether to assess penalties or to refer the accused to a state attorney for possible prosecution. The Commission has the power to levy civil fines up to \$1,000 per count. Fines for the late filing of reports are automatic. All deliberations of the Commission are exempt from the Sunshine Law (except appeals of fines for late filing), but the entire proceedings become public record upon final disposition of the case.

The Commission was created by statute in 1973 but did not become an independent agency until 1997-98, when it was transferred by the Legislature from the Department of State to the Department of Legal Affairs where it is *not* subject to the control, supervision, or direction of the Department or the Attorney General in the performance of its duties. At the same time, the Legislature also transferred the authority to investigate complaints alleging violations of election laws from the Division of Elections to the Commission. To carry out that responsibility, the Commission was given the power to subpoena witnesses and documents for investigative purposes.

In addition, the size of the Commission was increased from seven to nine members who are limited to serving no more than two full four-year terms. The governor appoints eight of the members by choosing two members from each of the lists of names provided to him by the president of the Senate, the speaker of the House of Representatives, and the minority leaders of both houses. The governor appoints the chair who serves concurrently with the term of the appointing governor for a maximum of four years. The law still provides that no person is eligible for appointment to the Commission if he was a member of any county, state, or

national committee of a political party or held an elected office in the year immediately preceding appointment.

Political Parties

The state executive committee of a political party may adopt its own rules regarding the number of its members and the units of representation. The state executive committees of the major political parties consist of a man and a woman elected or appointed from each county. Unless otherwise provided by party rule, county executive committees consist of at least one man and one woman elected from each precinct or district for four-year terms during the primary election in presidential election years.

Financing Florida's Government

The Florida Constitution places only one annual requirement upon the Legislature: to plan and pass a state budget for the coming fiscal year. Under the Constitution, the state budget must always be balanced; the government may not pass a budget that spends in deficit. The Legislature has the sole authority to levy virtually all kinds of taxes, however ad valorem taxes on tangible personal or real property (i.e. property taxes) are reserved for local governments.

The Budget Process

As a result of a 2006 constitutional amendment addressing the state planning and budget process, a Joint Legislative Budget Commission was established. Among its duties, the Commission must issue a long-range financial outlook by September 15 of each year to assist the Legislature and state agencies in determining the state's spending needs. By October 15, state agencies must provide the Legislature and the governor with a Legislative Budget Request. Then, at least thirty days before the start of the regular Legislative Session in March, the governor must submit a recommended budget and officially estimated revenues sufficient to finance those recommendations to the Legislature. If the governor wishes to increase spending in excess of revenues, he must recommend how to increase revenue.

During the legislative session, the House and the Senate separately develop their own budget bills, which must ultimately be reconciled, passed by both houses and signed by the governor to become law. This is the only bill passed by the Legislature in which the governor has the option of using a line-item veto. This action is subject to override by a two-thirds vote of each of the two houses of the Legislature.

Constitutionally, the Legislative Session cannot close without the passage of an annual budget.

Major Constitutional Provisions Related to Taxes

Florida's Constitution prohibits:

- income tax on natural persons (Florida is one of seven states that has no personal income tax);
- any estate or inheritance tax unless these can be credited directly to such federal taxes;
- any deficit spending of operating funds (that is, it requires a balanced budget);
- any ad valorem state tax on real estate or personal property (that is, only counties and municipalities may impose ad valorem taxes);
- assessment of taxes of more than 10 mills each by cities, counties and school boards on real estate or tangible personal property (that is, the amount of tax a local government can impose is limited);
- assessment of taxes of more than 2 mills on intangible property (but the Legislature repealed Florida's intangible personal property tax effective January 1, 2007); and

- taxes on motor vehicles, mobile homes, boats, airplanes and trailers other than license tag fees and sales taxes.

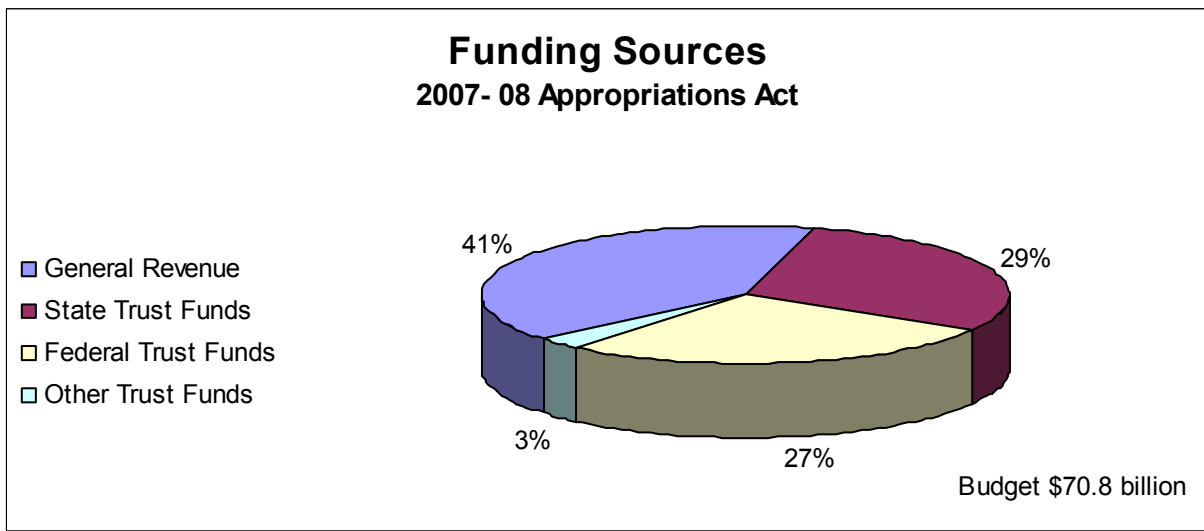
As a result of a 1994 constitutional amendment, a state revenue cap ties government growth to the growth of personal income in Florida. State revenues derived from taxes, fees, licenses, and similar sources cannot grow above the prior year amount by more than the average growth rate for Florida personal income over the previous five years, with certain exclusions.

In addition, the Constitution requires that any proposed amendment imposing a new state tax or fee must be approved by at least two-thirds of the voters of the state voting in the election in which such an amendment is considered.

Types and Sources of Revenue

Florida has two main types of revenue: General Revenue, which can be used for operating purposes, and revenue required to be segregated in statutorily created Trust Funds to pay for specific programs or purposes. Both derive funding from Florida taxes, fees and licenses. Trust Funds also derive funding from federal sources.

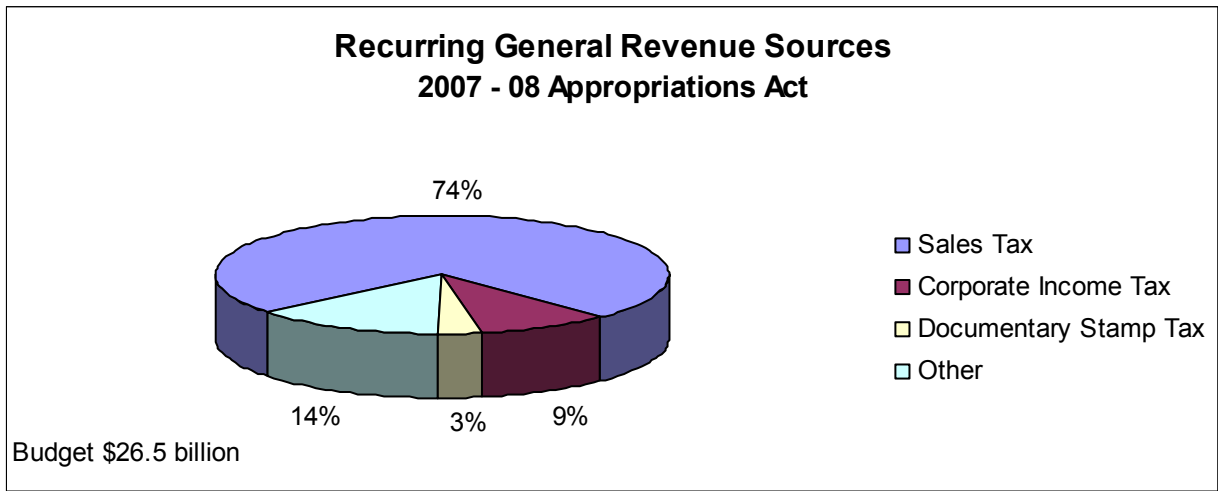
Figure 8 – Funding Sources



Both the General Revenue Fund and the Trust Funds derive recurring revenues and non-recurring revenues. Examples of recurring revenues are sales tax collections, corporate tax collections, and documentary stamp tax collections. Examples of non-recurring revenues are certain federal grants, balances carried forward from prior years, and funds reverting from vetoes.

Florida’s Constitution limits the amount of non-recurring General Revenue that may be used to fund the recurring costs of state programs to 3 percent of total General Revenue. A three-fifths vote in the House and Senate may be used to approve expenditures that exceed the 3 percent limit.

Figure 9 – Recurring General Revenue Sources



Florida exempts from sales tax most services and a large number of goods, the most significant being groceries, residential utilities and medicine. Special exemptions (granted, for example, by the Legislature or the Taxation and Budget Reform Commission) have been targeted for elimination for many years, to-date unsuccessfully. A discretionary sales surtax is imposed by many Florida counties.

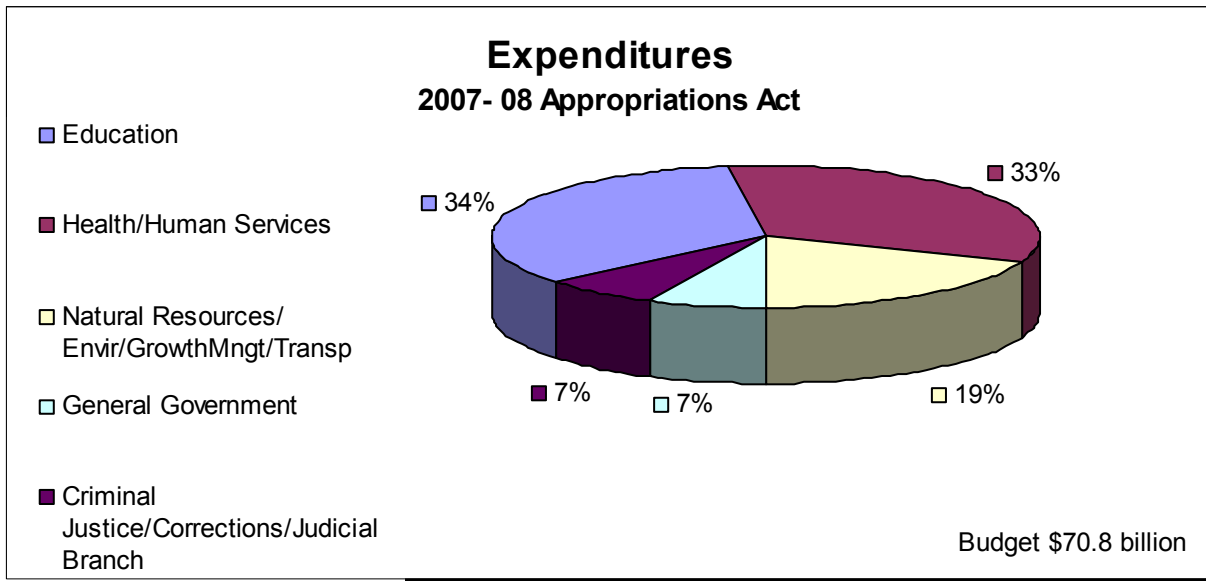
Earmarking of Revenues

Certain state taxes are earmarked either in the Constitution or by legislation. For instance, the revenue from the gross receipts tax is put in a trust fund for financing bonds for public education. Also funds derived from motor vehicle licenses are used to back bonds for capital outlay for public schools and community colleges. A “second gas tax” of two cents a gallon is placed monthly in a state roads distribution fund and used for debt service for roads in the various counties.

Types and Sources of Expenditures

Examples of recurring expenditures are prison operations, certain Medicaid programs, and school operations. Examples of non-recurring expenditures are most Community Budget Issue Requests (CBIRs), major one-time equipment purchases, and construction projects.

Figure 10 – Expenditures



Bonds

In addition to General Revenue and Trust Funds that together finance the annual state budget, Florida issues bonds for certain purposes. Bonds pledging the full faith and credit of the state require approval of the voters and are limited in outstanding principal to not more than half the total state tax revenue of the preceding two years. Such bonds have been authorized for capital outlay for schools, air and water pollution control, solid waste disposal and the purchase of environmentally endangered and recreational lands.

Florida also issues revenue bonds, which are not repaid from taxes but from some other source. Revenue bonds need not be approved by the voters. An example might be bonds to finance the construction of dormitories at a state university which are repaid from the building's rental income.

Taxation and Budget Reform Commission

The [Taxation and Budget Reform Commission](#) (TBRC) was created by constitutional amendment in 1988 and first met in 1998. Beginning in 2007 and every twenty years thereafter, the Constitution mandates that the TBRC “examine the state budgetary process, the revenue needs and expenditure processes of the state, the appropriateness of the tax structure of the state, and governmental productivity and efficiency, [and] review policy as it relates to the ability of state and local government to tax and adequately fund governmental operations and capital facilities required to meet the state's needs during the next twenty year period,” among other responsibilities.

The TBRC is composed of eleven members selected by the governor and seven each by the president of the Senate and the speaker of the House, none of whom may be members of the Legislature at the time of appointment. The commission holds public hearings to carry out these responsibilities, and may recommend statutory changes or amendments to the

Constitution related to the taxation or budgetary laws of the state. The TBRC was convened and conducted public hearings in 2007, and proposed several constitutional amendments and statutory proposals in 2008.

Audits

The Constitution requires the Legislature to appoint an auditor to audit the public records. This [auditor general](#) is required by law to conduct annual financial audits of the state government and all universities, as well as other financial and operational budgets.

Local Government

Local government services in Florida are provided through a county, a municipality or a special district. There are 67 counties in Florida, over 400 municipalities and more than 1,565 independent special districts.

Counties

Counties are political subdivisions of the state created to perform state and local functions such as recording of deeds and providing sheriff, court-related, and other state-related functions on a decentralized basis. Twenty-three counties had been established before statehood in 1845 and the last counties were created in 1925 by the Legislature. County populations vary greatly, from 7,021 in Liberty County in north Florida to south Florida's Miami-Dade County with 2,253,779 (2000 census). Areas also vary greatly, with three counties having less than 300 square miles (Union, Pinellas and Bradford counties) and two (Collier and Palm Beach counties) having more than 2,000 square miles.

Florida's Constitution specifies the form of government for Florida's counties. However the electors of a county may establish their own form of government by holding a special election to adopt a county charter.

❖ Non-Charter Counties

As specified in the Constitution, the governing body of a non-charter county consists of an elected county commission of five- or seven-members serving staggered four-year terms, and five elected constitutional officers: sheriff, tax collector, property appraiser, supervisor of elections and clerk of the circuit court. The clerk, when not otherwise provided by county charter or special law approved by the voters, shall be ex-officio clerk of the board of county commissioners, auditor, recorder and custodian of county funds. Salaries for these officers are set by the Legislature based on the population of the county but are paid from county funds.

After each decennial census, the board of county commissioners shall divide the county into districts of contiguous territory as nearly equal in population as practicable. One commissioner residing in each district shall be elected as provided by law.

The county commission has the power of self-government and may enact county ordinances consistent with Florida general or special law. If a county ordinance is in conflict with a municipal ordinance, the county ordinance may not be enforced in that municipality. The commissioners approve the county budget and set the millage to be collected on real and personal property. Each county commission may appoint a county administrator to be responsible for the day-to-day operations of some or all departments within the county.

❖ Charter Counties

Florida has 19 "charter counties" which are collectively home to more than 75 percent of Florida's residents." They are: Alachua, Brevard, Broward, Charlotte, Clay, Columbia, Duval,

Hillsborough, Lee, Leon, Miami-Dade, Orange, Osceola, Palm Beach, Pinellas, Polk, Sarasota, Seminole and Volusia.

General state law provides the mechanism for establishing a charter and for safeguarding the performance of state business within the county by providing that the duties of the constitutional officers must be accomplished by some office of the new structure. County-city consolidation or county-city cooperation can be spelled out in such a charter, but a charter must provide which shall prevail in the event that county and municipal ordinances conflict. The county commission may be enlarged but still must be elected. The constitutional officers may become county officials and may be appointed or elected, but their duties must be assigned specifically to someone in the new government. A charter county has the power of general law, but the charter itself can be changed or repealed only by referendum.

Municipalities

Municipalities may be established or abolished and their charters amended by general law, subject to provision for repayment of any existing debt. They have the governmental, corporate and proprietary powers to enable them to conduct municipal business, perform municipal functions and provide municipal services such as police and fire protection, water, sewer, solid waste collection and disposal, parks and recreation, public works and administrative functions.

Municipal governments derive their funds from the property tax, local-option sales tax, motor fuel taxes, impact fees, telecommunications tax, special assessments for benefits to private property, service charges and fees, occupational licenses, franchise fees, municipal public services tax, state revenue sharing and bonds for capital outlay purposes.

Special Districts

In addition to cities and counties, independent special districts have taxing powers. A special district is a local unit of special-purpose government operating within a limited geographical area. It can be created by the Legislature through a special act, by the governor and Cabinet through a rule, or by cities and counties through local ordinances. Only those who benefit from the special district's services are required to pay.

Special districts include water management districts, fire districts, mosquito control districts, hospital authorities, airport authorities, drainage districts, seaports and housing and urban development districts. They sell services, receive state and federal aid and may issue bonds.

In addition, the county home rule law provides for dependent districts, which are controlled by the county in which they lie and fall under that county's millage cap.

Regional Planning Councils

[Regional planning councils](#) plan for and coordinate intergovernmental solutions to growth-related problems on greater-than-local issues, provide technical assistance to local governments, and meet other needs of the communities in each region. They accomplish these tasks by promoting economic development, providing technical assistance, facilitating intergovernmental coordination, offering dispute resolution services and providing housing, transportation and hurricane preparedness planning services. Each council is responsible for

developing, adopting and implementing strategic regional policy plans (SRPPs) that are consistent with the State Comprehensive Plan including state agency plans. SRPPs are used by the councils to provide guidance in reviewing local government comprehensive plans and in other council decisions.

There are eleven regional planning councils each governed by a membership of not less than two-thirds local elected officials appointed by their local governmental bodies and one-third gubernatorial appointees. The councils have no taxing authority; their funding source varies and most often includes funding provided through local government, and federal and state appropriations and contracts.

Water Management Districts

Florida's five [water management districts](#), along with the Department of Environmental Protection (DEP), are involved in managing the quality and quantity of water. They adopt and implement the Florida Water Management Policy and the Florida Water Plan. Florida Statutes give the DEP general supervision over the districts and direct the DEP to delegate water resource programs to the districts where possible. Water management district governing boards are composed of gubernatorial appointments from representative locations and varied interests.

Districts are authorized to administer flood protection programs, perform technical investigations into water resources, develop district water management plans including water shortage plans for time of drought, and acquire and manage lands for water management purposes. Regulatory programs delegated to the districts include programs to manage the consumptive use of water, aquifer recharge, well construction and surface water management.

Financing Local Government

Counties derive their funds from ad valorem (property) taxes, local-option sales taxes and motor fuel taxes, fees including impact fees, licenses including occupational licenses, fines and forfeitures and state-shared revenues. Expenditures for general government include capital improvements, judicial services, public safety, health and social services, and transportation.

❖ Ad Valorem Taxes

Ad valorem taxes based on the value of all real estate and on tangible personal property used in business are the only property taxes available to local government and school boards. The Constitution limits cities, counties and school boards to 10 mills of ad valorem taxes each, although the county may assess up to an additional 10 mills where city-type services are supplied to unincorporated area residents. The Constitution allows citizens of a county to vote additional millage as ad valorem taxes for bond issues or for a specified period for general government purposes. One mill is equal to \$1 for each \$1,000 of assessed, non-exempt real property.

The Legislature annually sets the millage amount school boards must charge to participate in the state school finance program.

❖ **Property Valuation**

Real property valuations are set as of January 1 each year by the property appraiser in each county. The Constitution requires appraising at “just value,” which has been interpreted to mean fair market value. Legislation and rules set by the Florida Department of Revenue provide guidelines for appraisers to enable them to make the assessments equitable from county to county and among classes of property.

Appraisers are required to notify the owner of property of any change in valuation and of taxes proposed by each taxing agency. Owners may appeal the appraised value to a Property Appraisal Adjustment Board. This board, established in each county by state law, consists of three county commissioners and two school board members.

Tangible personal property includes everything used in business including machinery, equipment, furniture, fixtures, signs and supplies. It is valued from returns filed between January 1 and April 7 of each year by owners of business property. Citizens voted in 2008 to provide for a \$25,000 tax exemption for tangible personal property.

A constitutional amendment effective in 2009 limits the amount of value a non-homestead property can increase on the tax rolls each year to 10 percent.

❖ **Save Our Homes**

A 1992 constitutional amendment created a program referred to as Save Our Homes that limits the amount of value a homestead property can increase on the tax rolls each year to three percent or the Consumer Price Index, whichever is less, regardless of larger increases in market value. A 2008 amendment provided “portability” so that an accumulated Save Our Homes benefit of up to \$500,000 could be transferred to a new homestead upon sale of the previous homestead.

❖ **Exemptions**

State and federal property is immune from taxes. By referendum the county commissions and city councils can grant ad valorem tax exemptions for economic development.

Other exemptions may be classified as personal and non-personal.

Personal Exemptions

A constitutional tax exemption is allowed for the permanent residence (homestead) of Florida residents. This exempts from tax the first \$25,000 of the value of the home from all ad valorem taxes, and the third \$25,000 of the value of the home from local government taxes only. Applications for the homestead exemption must be filed with the property appraiser prior to March 1. Some counties provide for automatic extension of the homestead exemption.

Additional exemptions are available under certain circumstances for low-income seniors, widows, widowers, the blind, and the disabled.

Non-personal Exemptions

Certain property can qualify for exemption by virtue of its use and its ownership. These uses include charitable, religious, educational, scientific, literary and governmental. Receipt of the exemption depends on both use and ownership of the property in question.

For More Information

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Local Leagues of Women Voters

Local Leagues are good sources of information on municipal and/or county government, voter information, and the school system. The following twenty-five local Leagues and 3 Member-at-Large (MAL) Units are active in Florida:

Alachua County/Gainesville	Manatee County	Sarasota County
Bay County	Martin County	Seminole County
Broward County	Miami-Dade County	Space Coast (Brevard County)
Charlotte County MAL Unit	North Pinellas County	St. Lucie County
Collier County	Okaloosa County	St. Petersburg Area (N. Pinellas County)
Flagler County	Orange County	Tallahassee
Hillsborough County	Osceola County MAL Unit	The Villages Tri-County Area MAL Unit
Jacksonville / First Coast	Palm Beach County	Volusia County
Lake County	Pensacola Bay Area	
Lee County	Polk County	

Consult your telephone directory for the listing of a League near you or contact the League of Women Voters of Florida.

On-Line Sunshine

The Internet provides a vast source of information about Florida government. The official website of the state of Florida is www.myflorida.com. It has links to Executive and Judicial Branch agencies and local governments. It contains a driver license office locator. Its [Contacts](#) section provides links to Florida's state agencies, governmental entities, committees, commissions and water management districts. Its [Frequently Asked Questions](#) section answers many common questions.

The Florida Legislature's Home Page on the Internet (www.leg.state.fl.us) is a gateway to the Florida Senate (www.flsenate.gov) and Florida House (www.myfloridahouse.gov) websites. These websites provide legislator contact and committee information, as well as ways to locate, check the status of, search and download bills by subject or by sponsor.

The Florida Legislature's Home Page also provides links to Florida's Constitution, statutes and laws; information for and about lobbyists; and an Information Center which provides information about "How an Idea Becomes a Law," "Effective Communication with Your Legislators," "The Committee Process," a "Glossary of Legislative Terms," listings of "Local Legislative Delegations," and "Frequently Asked Questions." In addition, the Home Page provides a link to the Florida Government Information Locator Service which provides a comprehensive list of Florida government websites.

Live and Taped Coverage of Governmental Meetings

Live and taped coverage of daily legislative sessions and committee meetings are broadcast gavel-to-gavel on the Florida Channel www.wfsu.org/tfc. In addition, many local governments similarly provide live and taped coverage of county commission, city council, school board, and other meetings via a local access television channel and/or a website. Check with your local cable provider for the channel in your area, or watch online.

Find Your Representative

Find your elected officials by entering your zip code at <http://takeaction.lwv.org/>.

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to government entities. Instead, contact them by phone or in writing.

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