

# Local Government 101

American Beach Community Meeting

September 28, 2019



NASSAU COUNTY  
DEPARTMENT OF PLANNING  
AND ECONOMIC OPPORTUNITY  
FLORIDA



# What is local government?

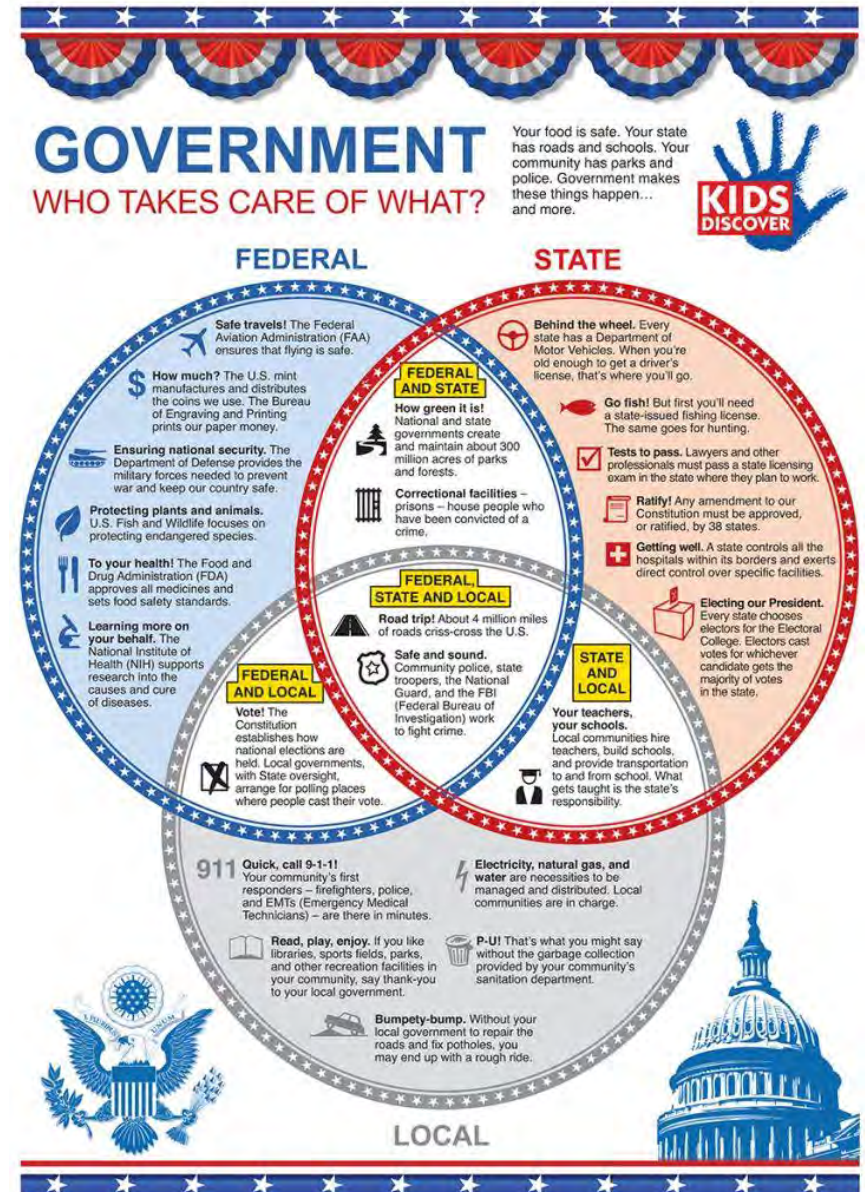


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- US system – federal, state, local
- Powers of local government = police power: health, safety, welfare
- In Florida, counties and municipalities are created by the state
  - Counties required to be created by legislature
  - Municipalities can be created at discretion of legislature
- Special Districts
  - School Boards
  - CRA Boards
  - Stewardship District

## Good resources:

- ICMA
- National Association of Counties
- National League of Cities
- Governing.com
- Florida Association of Counties
- Florida League of Cities
- FCCMA
- Floridapolitics.com
- Emerging Local Government Leaders



# Local Government in Florida



- **Counties** (Charter v. non-charter)
  - We are NOT a charter county
  - 20 out of 67 counties are charter counties - those counties represent more than 75% of FL residents
  - “Charters are formal written documents that confer powers, duties, or privileges on the county. They resemble state or federal constitutions and they must be approved, along with any amendments, by the voters of a county. According to several Florida constitutional scholars, the establishment of charter government was designed to remove the resolution of local problems from the state legislature's busy agenda and to grant the county electorate greater control over their regional affairs.” – Florida Association of Counties
  - *Check out [fernandinaobserver.com](http://fernandinaobserver.com) and search “charter county” for further info related to Nassau*

Florida is a **home rule** state. This means local governments have flexibility to adopt their own regulations unless it is expressly prohibited by or in conflict with state law. Started in 1968 in FL.

This is in contrast to a **Dillon’s rule** state. That means local governments can only adopt regulations if they have been given permission by the state to do so.

## BASIC DIFFERENCES BETWEEN CHARTER AND NON-CHARTER COUNTIES

March 2008

<u>NON-CHARTER</u>	<u>CHARTER</u>
❖ Structure of county government specified in State Constitution and State Statutes. Only amending the State Constitution or State law can change structure.	❖ Structure of county government specified in Charter as approved by the electorate. Structure can be tailored by the local electorate to meet the needs of the county.
❖ Counties have powers of self-government as prescribed by the State Legislature.	❖ Counties have all powers of self-government unless they are inconsistent with the Constitution or State law.
❖ State Statutes do not provide for initiative or referendum, or recall of county officers.	❖ County charter may provide for initiative, referendum and recall at the county level.
❖ State Statutes do not require an Administrative Code.	❖ County Charter can require an Administrative Code detailing all regulations, policies and procedures.
❖ County cannot levy a utility tax in the unincorporated area.	❖ County Charter can provide that a “municipal utility tax” is levied in the unincorporated area.

## • Municipalities

- FL Statutes lay out process for incorporation, merger + dissolution
- No real difference between city, town, village
- “exercise of power for municipal purposes”

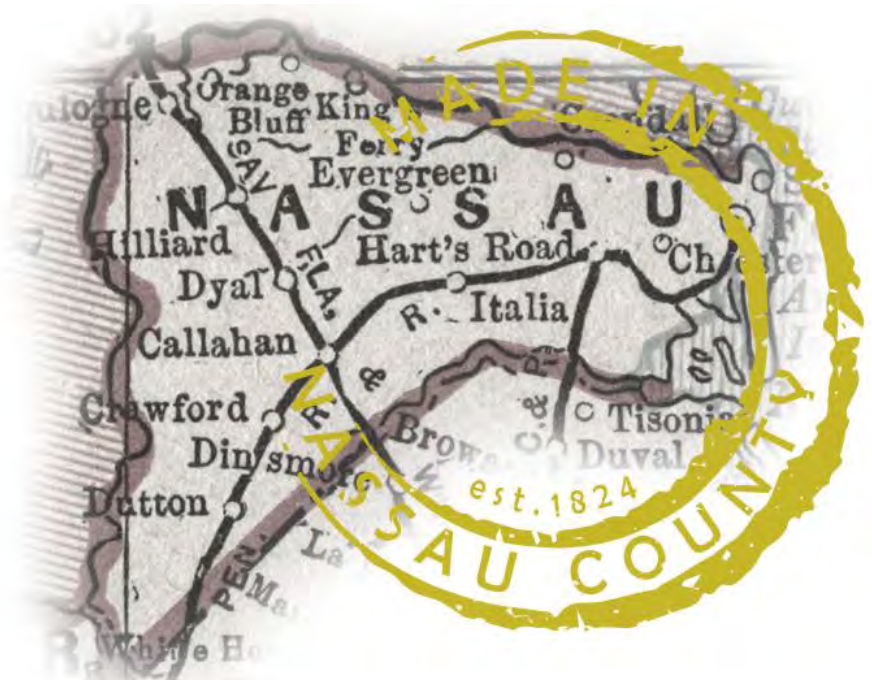


# Nassau County History + Structure



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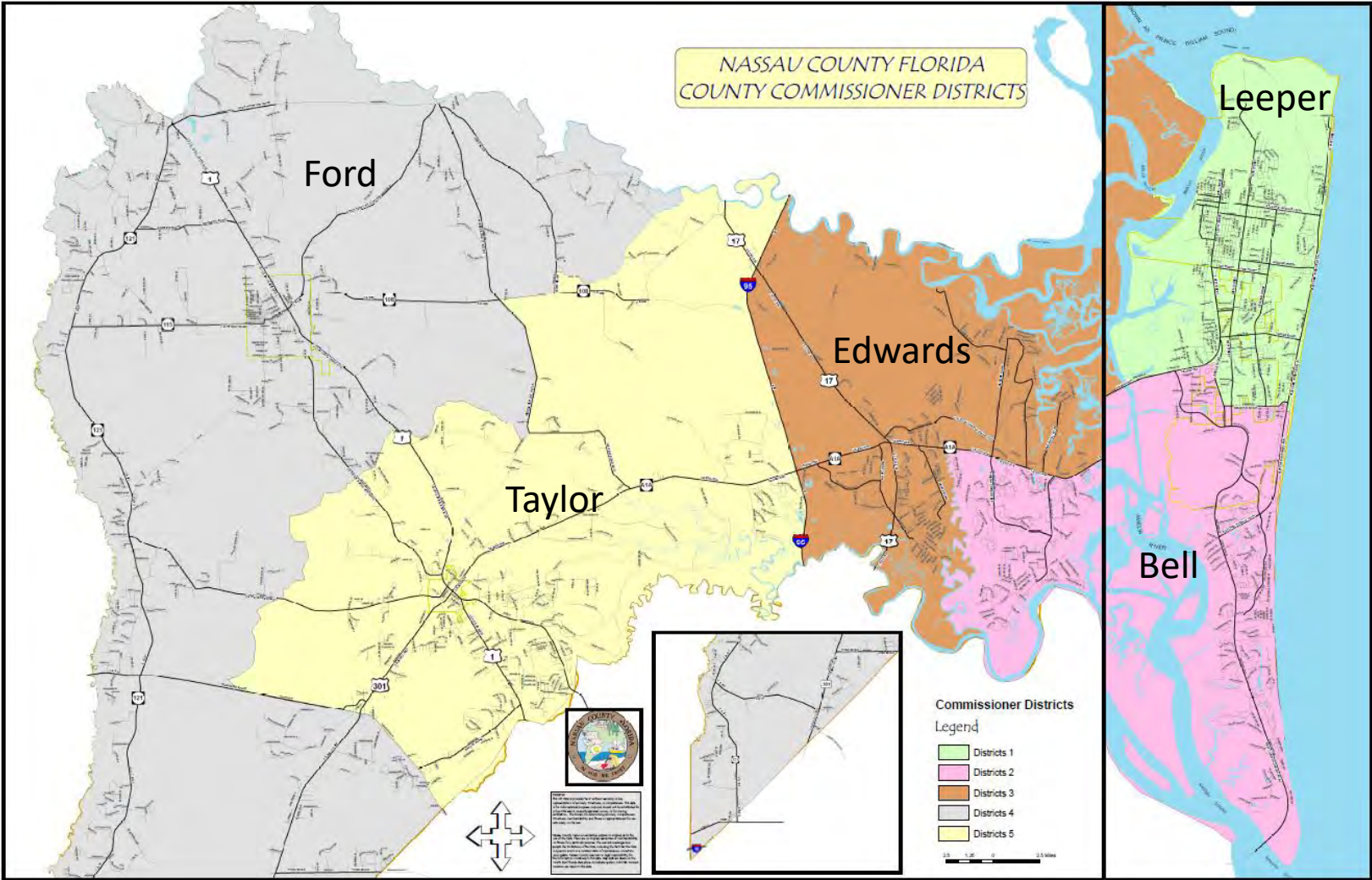
- Nassau County created in 1824 from Duval County
  - One of the first in the state, as Florida only became part of the U.S. in 1821
- County seat (administrative center) has varied over the years
  - Fernandina > Sand Hill > Btwn Hilliard + Callahan > Fernandina
- Board of County Commissioners (required under FL Constitution)
- Constitutional Officers (“Constitutionals”)
  - Clerk of Court
  - Property Appraiser
  - Tax Collector
  - Supervisor of Elections
  - Sheriff
- Three Municipalities
  - Town of Callahan
  - City Fernandina Beach
  - Town of Hilliard



# BOCC Commissioner Districts



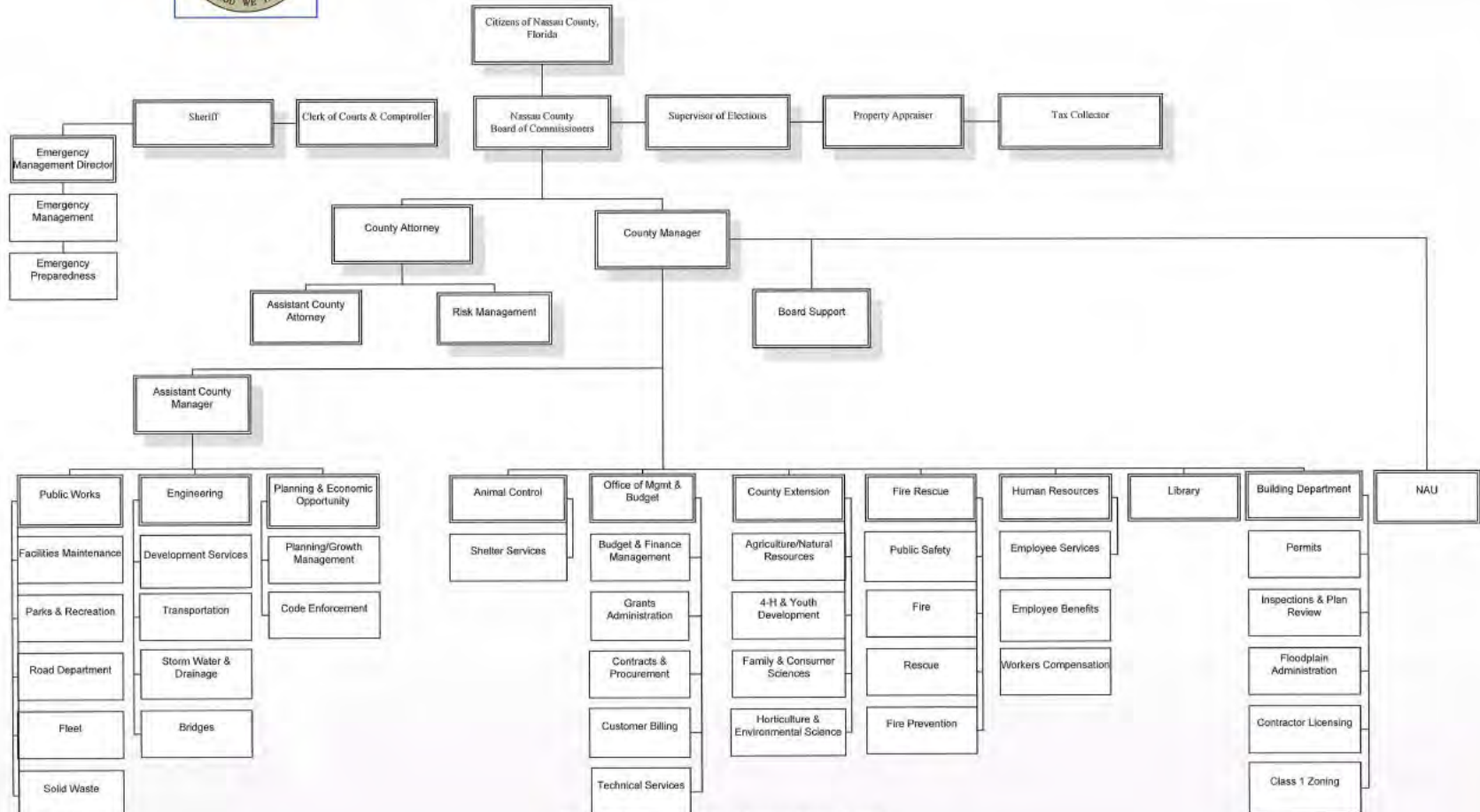
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# Nassau County Organizational Chart



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# BOCC Actions



- **County Code of Laws and Ordinances** is like our local version of state statutes – set of regulations
  - Ordinance = creating local law
  - Found at [municode.com](http://municode.com)
  - Comprehensive plan, land use and zoning changes required to be adopted by ordinance
    - State statute lays out certain specifics for how these are adopted
    - Typically ordinances are adopted after two public hearings
- **Land Development Code** is County code, but lives separately from main body of code
- **Resolutions** = formal action of the BOCC but not creating a law. Used for agreements, policy, etc.
  - Resolutions are adopted after one hearing
- **Proclamation** = used for recognitions and acknowledgements



# Florida Sunshine Laws



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- Right of the public to have access to governmental proceedings
- F.S. 286.011 – three basic requirements:
  - Meetings of public boards or commissions must be open to the public
  - Reasonable notice of meetings must be given
  - Minutes of the meetings must be taken and promptly recorded
- When and to whom does it apply?
  - Any gathering of two or more members of the same board
  - Any board or commission of any state agency or authority OR of any agency or authority of any county, municipal corporation or political subdivision → elected or appointed
  - Advisory boards are included
  - Question: is the board a “decision-making” body or a “fact-finding/information-gathering” body?
  - Staff working groups (like our Land Conservation group) are not subject to sunshine
  - Many statutory exemptions related to safety, etc.
- Government transparency generally
  - Everything we do is available to the public → public records requests
  - Consider that when writing emails, creating documents, even sending texts



# Meetings to Know

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All meetings are held at the James Page Government Complex in Board Chambers at 96135 Nassau Place, Yulee.

- **Board of County Commissioners**
  - Second and fourth Monday each month – 6pm
  - Third Wednesday each month – 9am
- **Planning and Zoning Board**
  - First and third Tuesday each month - 6pm
- **Code Enforcement Board**
  - Second Tuesday each month – 6:30pm
- **Conditional Use and Variance Board**
  - Fourth Thursday each month – 6:30pm
- **Essential Housing Advisory Committee**
  - Third Wednesday each month – 4pm