COUNTY GOVERNANCE

Florida's Constitution recognizes that a state as large and varied as Florida cannot govern every community through a single statewide prescription. When voters ratified the 1968 Constitution, they granted counties home rule and ended an era in which local needs depended on legislative permission from Tallahassee. That decision reflected a growing, increasingly diverse state whose communities needed authority to resolve local matters themselves. The Florida Association of Counties (FAC) recognizes that counties carry a dual role as partners in delivering statewide programs and self-governing communities accountable to local residents. FAC is committed to preserving a system of shared governance that respects statewide interests while keeping local decisions close to the people they affect.

HOME RULE & SHARED GOVERNANCE

A. Constitutional Home Rule and Local Self-Government: Article VIII establishes county government and secures each community's right to determine its own form of county government. Charter counties exercise all powers of local self-government not inconsistent with general law; non-charter counties exercise powers provided by general or special law, with broad practical authority under Chapter 125, Florida Statutes. *Florida voters embedded this framework in the Constitution to express how they wish to be governed.* ***FAC supports preserving and strengthening the constitutional framework for county home rule and opposes efforts to erode the local self-government authority granted to Florida's counties.***

B. County Diversity and Shared Governance: Home rule does not mean independence from the state. Florida's Constitution establishes shared governance in which the state legislates matters of genuine statewide concern, and counties govern community affairs. Each level derives its authority from the people, and some tension between elected governments serving the same residents is inherent in that design. Florida's 67 counties also differ substantially: the population of five counties exceeds that of at least 11 states, while 29 counties are fiscally constrained, many of them rural and agricultural. ***FAC supports state policy that recognizes these differences, avoids one-size-fits-all prescriptions, and preserves the ability to tailor local decisions to local conditions, fiscal capacity and community needs.***

PREEMPTIONS & MANDATES

A. Preemption and Local Authority: Preemption resolves conflicts within shared governance: federal law prevails over state law, and state law prevails over local ordinances. For much of Florida's home rule era, preemption was rare and narrow, and state law generally established minimum standards without displacing local authority.

Preemption has become increasingly express, statewide, and proactive, with some measures imposing penalties for local lawmaking itself. ***FAC calls for preemption to remain a deliberate exception reserved for matters of genuine statewide concern rather than a routine instrument of state policy.***

B. Unfunded Mandates and Fiscal Accountability: Counties deliver state-required services across nearly every function of government, often with local resources. Although Florida voters adopted constitutional protection against unfunded mandates in 1990, its practical reach has proved narrower than voters anticipated. Unfunded mandates can direct the use of local tax dollars through decisions made by officials who are not directly accountable to the taxpayers who supply those revenues. ***FAC opposes state or federal mandates that are not accompanied by funding or sufficient local revenue authority and calls for any government requiring a service to fund it or provide counties with the tools to do so.*** This principle preserves local elected officials' ability to make fiscal and public policy decisions for the residents they serve.

THE PATH FORWARD

A. Accessible and Responsive Local Government: Home rule keeps government within reach of residents and businesses. ***FAC is committed to maintaining local decision-making as the most accessible and responsive venue for resolving community concerns.*** Preserving each community's authority to determine its form of county government keeps accountability close to the people and allows local officials to address local needs directly.

B. Intergovernmental Deliberation and Partnership: Disagreement between state and local governments is inevitable within a system of shared governance. ***FAC calls for intergovernmental differences to be resolved through deliberation and partnership in a manner that respects the constitutional sphere assigned to each level of government.*** This approach strengthens statewide policy and local implementation while recognizing counties as both partners of the state and self-governing communities. **FAC supports legislative process improvements that encourage the Legislature to consider the impact on local governments by requiring additional oversight when legislation preempts local government authority or mandates local expenditures. FAC recommends that during the break between Legislative Sessions, that Legislators and Legislative Staff meet with Local Government elected officials and Local Government staff to discuss the larger issues that are reasonably expected to result in Legislation that affect our joint constituents.**