

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** CS/HB 1565 Town of Fort White, Columbia County  
**SPONSOR(S):** Local Administration, Federal Affairs & Special Districts Subcommittee, Brannan  
**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration, Federal Affairs & Special Districts Subcommittee	16 Y, 0 N, As CS	Roy	Darden
2) Ethics, Elections & Open Government Subcommittee	17 Y, 0 N	Skinner	Toliver
3) State Affairs Committee			

### SUMMARY ANALYSIS

The Town of Fort White (Town) is a municipality in Columbia County founded in 1884. The Town currently operates under a charter adopted in 1957. As the charter was adopted before the 1968 Florida Constitution, it does not contain provisions for home rule. The Town is governed by a town council, which is comprised of a mayor and four councilmembers. The Town of Fort White has a total area of 2.4 square miles.

The bill updates the 1957 charter for the Town of Fort White municipality to:

- Create councilmember districts that equally divide the municipality's population and require councilmembers to be elected by the qualified voters of the councilmember district they run for;
- Revise the procedures of the town council, increasing their term of office, providing for the filling of vacancies, and updating their meeting requirements;
- Remove a provision requiring the municipality to pay off loans in the same fiscal year they are made;
- Remove a provision that restricts the town council's power to impose certain penalty amounts set for violations of ordinances and laws preserving public peace;
- Amend the municipality's election policy, conforming it to the Florida Election Code;
- Requires the salaries of the mayor and councilmembers to be set by ordinance;
- Remove a requirement that ordinances must be published in a newspaper of general circulation or posted in three separate public places;
- Remove archaic language related to municipal courts;
- State that fire protection service within the Town will be provided by Columbia County;
- Update the powers and duties of the town clerk;
- Remove provisions providing for a town auditor, tax assessor, and treasurer; and
- Amend the fiscal year to align with other local governments.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Present Situation**

##### Municipalities

Municipalities may be established or abolished and their charters amended pursuant to general or special law.<sup>1</sup> Municipalities are granted all governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services.<sup>2</sup> Additionally, municipalities are authorized to exercise any power for municipal purposes, except when expressly prohibited by general or special law.<sup>3</sup> The power to tax is granted only by general law.<sup>4</sup> The legislative body of a municipal government must be elected.<sup>5</sup>

##### Town of Fort White

The Town of Fort White (Town) is a municipality in Columbia County founded in 1884.<sup>6</sup> The Town grew rapidly after the arrival of the railroad in 1888, due to the impact of phosphate mining, turpentine production, and agricultural crops, such as cotton, trees, and oranges. The Town has a population of approximately 654.<sup>7</sup> The Town currently operates under a charter adopted in 1957.<sup>8</sup> As the charter was adopted before the 1968 Florida Constitution, it does not contain provisions for home rule.

#### **Effect of Proposed Changes**

##### Boundaries and Town Council Districts

The bill removes the current description of the municipality's boundaries and replaces it with the territorial descriptions of the boundaries of the four town council districts created by the bill. The bill states the town council districts are intended to encompass equal numbers of citizens and voters and provides the town council may change their boundaries in order to maintain equal populations when there are substantial changes to the population distribution.

##### Municipal Powers

The bill removes a provision that prohibits the Town from borrowing money unless the loan is paid in full during the same fiscal year. The bill also modifies the town council's power to impose penalties for violations of ordinances and laws concerning the preservation of the public peace and order, by removing a restriction that prohibits the town council from imposing a fine of more than five hundred dollars and imprisonment longer than sixty days for such violations.

##### Town Council

The bill revises the election process for town councilmembers, requiring councilmembers to be elected by district rather than city-wide.

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<sup>1</sup> Art. VIII, s. 2(a), Fla. Const. A municipality is a local government entity, located within a county that is created to perform additional functions and provide additional services for the particular benefit of the population within the municipality. The term "municipality" can be used interchangeably with the terms "city," "town," and "village."

<sup>2</sup> Art. VIII, s. 2(b), Fla. Const.

<sup>3</sup> *Id.*

<sup>4</sup> Art. VII, s. 9(a), Fla. Const.

<sup>5</sup> Art. VIII, s. 2(b), Fla. Const.

<sup>6</sup> Town of Fort White, Florida, *History*, <https://www.fortwhitefl.com/community/page/history> (last visited Mar. 24, 2023).

<sup>7</sup> Univ. of Florida Bureau of Economic and Business Research, *Florida Estimates of Population 2022*, available at [https://bebr.ufl.edu/population\\_page\\_repo/florida-estimates-of-population-2022/](https://bebr.ufl.edu/population_page_repo/florida-estimates-of-population-2022/) (last visited Mar. 24, 2023).

<sup>8</sup> Chapter 57-1334, L.O.F.

The bill also increases the term of office the Mayor and councilmembers serve from three years to four. The bill provides that the term of office for the members of the town council commences at the beginning of the next regular or special meeting after the election results are final.

The town council, after the induction of members elect, must elect a presiding officer and chairperson of the council and a vice chairperson, who presides if the chairperson is absent.

In the event of a town council position or mayoral vacancy, the bill allows the remaining councilmembers to appoint a qualified citizen to fill the balance of the term. The appointment must be made within 60 days of the vacancy, unless this time period is extended by the town council. In the event that there is not a quorum present to appoint a replacement within a reasonable time, the position is filled by Gubernatorial appointment.

The bill amends the time for the first meeting of a newly elected town council for induction into office from 8:00 p.m. on the day following the election to 6:00 p.m. on the fourth Monday in the month following the election and the bill removes a requirement that the town council meet at least monthly.

The bill revises notice requirements for special meetings of the town council, requiring the council give reasonable notice to each member, rather than at least six hours written notice that is served personally or left at the members' usual place of residence or business.

The bill requires the town council to set the salaries of the mayor and councilmembers by ordinance, removing a prohibition that the town council could not authorize the mayor's salary to exceed twenty dollars per month.

### Elections

Under the current charter, the town council is required by ordinance to make all regulations for the conduct of the Town's municipal elections and appoint inspectors and clerks of elections.

The bill amends the municipal election provisions of the charter by providing that the general election laws of the state pertaining to municipal elections now apply, and all elections must be conducted by the election authorities established by law.

The bill also amends the requirements to be an elector of the Town, providing that any person who is a qualified elector of the state and resident of the Town is an elector of the Town, rather than requiring electors to reside in the Town for one year. Additionally, the bill provides that all persons eligible to vote must be registered in accordance with the Florida Election Code.<sup>9</sup>

### Ordinances and Resolutions

The bill removes archaic language concerning notice requirement for adopting ordinances and resolutions.

The bill also removes the requirement that every ordinance of a general or permanent nature must be published once within ten days after its final passage in a newspaper of general circulation in the Town or by posting the ordinance in three separate public places for a period of ten days after its final passage.

### Fire Department

The bill removes the provision establishing a fire warden, subordinate officers, firemen and employees of the Town, instead stating that fire protection services in the Town will be provided by Columbia County.

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<sup>9</sup> Chapters 97-106 are cited as "The Florida Election Code." See s. 97.011, F.S.

Town Auditor, Clerk, Tax Assessor, Town Treasurer, and Municipal Court

The bill amends the duties of the town clerk, providing that the town clerk shall:

- Keep the journal of the town council's proceedings;
- Authenticate and maintain all ordinances and resolution of the town council;
- Ensure that Town elections are conducted in accordance with Florida law;
- Exercise budgetary control over every department, board, mission, and agency of the Town;
- Perform all duties and responsibilities conferred by this charter; and
- Perform all other administrative duties of the Town.

The bill removes provisions providing for a town auditor, tax assessor, and treasurer, as these duties are now performed by other offices. The bill also removes references to municipal court to reflect the modern structure of the judicial system.

Fiscal Year

The bill amends the fiscal year of the Town from the calendar year to a fiscal year beginning on October 1<sup>st</sup> and ending September 30<sup>th</sup>, in line with other local governments.

**B. SECTION DIRECTORY:**

Section 1: Amends ch. 57-1334, Laws of Fla, relating to Town of Fort White, Columbia County.

Section 2: Provides an effective date upon becoming a law.

**II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS**

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? January 31, 2023

WHERE? Lake City Reporter, a newspaper published at Lake City in Columbia County, Florida.

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes  No

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill neither provides authority for nor requires rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

On March 20, 2023, the Local Administration, Federal Affairs & Special Districts Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment is a technical correction which fixes a cross-reference.

The analysis is drafted to the committee substitute adopted by the Local Administration, Federal Affairs & Special Districts Subcommittee.