

HOUSE OF REPRESENTATIVES STAFF FINAL BILL 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:

FINAL HOUSE FLOOR ACTION: 116 Y's 0 N's **GOVERNOR'S ACTION:** Approved

SUMMARY ANALYSIS

CS/HB 1565 passed the House on April 27, 2023, and subsequently passed the Senate on May 4, 2023.

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. The Town is governed by a Town council, which is comprised of a mayor and four councilmembers.

The bill updates the Town's 1957 charter to:

- Create councilmember districts that equally divide the municipality's population and require councilmembers to be elected by the qualified voters of district;
- Increase the terms of office for councilmembers, provide for the filling of vacancies, and update the Town council meeting requirements;
- Remove a requirement that the Town pay off loans in the same fiscal year the loan is made;
- Remove the authorization to establish fines and penalties for violations of ordinances and laws related to preserving the public peace;
- Conforms the Town's election policy to the Florida Election Code;
- Requires the salaries of the mayor and councilmembers to be set by ordinance enacted pursuant to general law;
- Removes the requirement that ordinances be published in a newspaper of general circulation or posted in three separate public places after final passage;
- Remove archaic language related to municipal courts;
- Provide that fire protection services 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
- Aligns the Town's fiscal year with other local governments.

According to the Economic Impact Statement, the bill is not expected to have a fiscal impact.

The bill was approved by the Governor on June 28, 2023, ch. 2023-344, L.O.F., and became effective on that date.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Present Situation

Municipalities

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

Town of Fort White

The Town of Fort White (Town) is a municipality in Columbia County founded in 1884.⁶ 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.⁷ The Town, which has a population of approximately 654,⁸ operates under a charter adopted in 1957.⁹

The Town is governed by a Town council vested with all powers to enact local legislation, adopt budgets, determine policies, and appoint town officials.¹⁰ The council is comprised of a mayor and four councilmen elected at-large for three-year terms.¹¹

Effect of the Bill

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 must change its district 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

¹ 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."

² Art. VIII, s. 2(b), Fla. Const.

³ *Id.*

⁴ Art. VII, s. 9(a), Fla. Const.

⁵ Art. VIII, s. 2(b), Fla. Const.

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

⁷ *Id.*

⁸ 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/ (last visited Mar. 24, 2023).

⁹ Chapter 57-1334, Laws of Fla.

¹⁰ Ch. 57-1334, s. 6, Laws of Fla.

¹¹ Ch. 57-1334, s. 8, Laws of Fla.

removing a restriction that prohibits the Town council from imposing a fine of more than \$500 and imprisonment longer than 60 days for violations.

Town Council

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

The bill increases the terms of office for the Mayor and councilmembers from three years to four years. The bill provides that the terms of office for the councilmembers commence at the beginning of the next regular or special meeting of the council after the election results are final. The Town council must elect one councilmember as 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 requires 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 period is extended by the Town council. In the event a quorum is not present to appoint a replacement within a reasonable time, the position may be 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. It also 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. This change conforms with meeting requirements provided in general law.

The bill requires the Town council to set the salaries of the mayor and councilmembers by ordinance enacted pursuant to general law, removing a prohibition that the Town council not authorize a salary to exceed \$20 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 requiring all elections be conducted by the election authorities established by law.

The bill also provides 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.¹²

Ordinances and Resolutions

The bill removes archaic language concerning notice requirements for adopting ordinances and resolutions. The bill also removes the requirement that every ordinance of a general or permanent nature be published once within 10 days after final passage in a newspaper of general circulation in the Town or by posting the ordinance in three separate public places for 10 days after its final passage.

¹² Chapters 97-106 are cited as "The Florida Election Code." See s. 97.011, F.S.

Fire Department

The bill removes the provision establishing a fire warden, subordinate officers, and firefighters as employees of the Town. Instead, the bill provides that fire protection services in the Town will be provided by Columbia County.

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

The bill amends the duties of the Town clerk, providing that the clerk will:

- Keep the journal of the Town council's proceedings;
- Authenticate and maintain all ordinances and resolutions of the Town council;
- Ensure that Town elections are conducted in accordance with 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 courts to reflect the modern structure of the judicial system.

Fiscal

The bill amends the fiscal year of the Town to change it from the calendar year to a fiscal year beginning on October 1 and ending on September 30 in order to align with other local governments.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

According to the Economic Impact Statement, the bill is not expected to have a fiscal impact.

C. ECONOMIC IMPACT STATEMENT FILED? Yes No

D. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 31, 2023.

WHERE? *The Lake City Reporter*, a daily newspaper of general circulation published in Columbia County, Florida.

E. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?