

Questions frequently asked about the Hillsborough County Charter

WHAT IS A HOME RULE ?

The State's ability to respond to the needs of local government became a matter of major concern to counties and cities in Florida as the population expanded rapidly. A state constitutional amendment in 1968 gave the counties in Florida meeting certain requirements the right of "home rule." Home rule gives the citizens the right to determine and implement government for a public purpose at the local level. Local governments may only perform functions that are expressly granted by the State Legislature. A county that chooses home rule has greater autonomy and can select its own form of management. Article VIII, Section 1(f), of the Florida Constitution (1968), and by Section 125.01, Florida Statutes, confers home rule powers in the State of Florida to counties.

A home rule charter is a legal document that is written by citizens and it serves as the county's "constitution." This allowed entities of the state to deliver services in a more efficient and timely manner. Prior to this amendment, every county and city had to ask the Florida Legislature for permission via special acts to do everything necessary to run the local government functions.

WHAT IS THE DIFFERENCE BETWEEN CHARTER AND NON-CHARTER GOVERNMENT?

The main difference between a Charter and non-charter government is that a charter allows the Board of County Commissioners to establish local laws, through a local public hearing procedure, which may not be in conflict with or specifically prohibited by the State Constitution or general law. This process is done at a local level without going to the Florida Legislature to request special legislation to create local laws.

HOW MANY COUNTIES IN FLORIDA HAVE A CHARTER GOVERNMENT?

As of January 2001, 17 of Florida's 67 counties have adopted home rule charters. Counties that have a charter form of government are: Alachua, Brevard, Broward, Charlotte, Clay, Dade, Duval, Hillsborough, Lee, Orange, Osceola, Palm Beach, Pinellas, Polk, Sarasota, Seminole and Volusia.

WHEN DID HILLSBOROUGH COUNTY ADOPT THE CHARTER?

Hillsborough County adopted its home rule charter through a countywide referendum in 1983 and Implementation was set for November 1984. However it was delayed when the U. S. Attorney General officially lodged objections before the scheduled primary election in September. The County had not received preclearance from the U.S. Department of Justice under the Voting Rights Act prior to going to referendum in 1983. Additionally, plaintiffs in a then-pending lawsuit in federal district court against Hillsborough County and City of Tampa sought to enjoin the election of county commissioners under the new charter due to the proposed "4-3 plan".

Prior to adopting the charter, Hillsborough County had five county commissioners who were elected countywide. The new Charter provided for a change of governance by increasing the number of County Commission Districts from five to seven. Four Commissioners were to be elected in single member districts and 3 commissioners elected countywide. The Charter also provided for a professional County Administrator to run the day-to-day government operations. The district court granted the injunction and prohibited the election of county commissioners.

The U.S. Attorney General withdrew his objections after reconsideration of the Charter's proposed s 4-3 election plan. Subsequent to the U.S. Attorney dropping his objections the district court withdrew its bar to the election of commissioners, clearing the way for elections to be held. The first commissioners elected under the Charter took office and Charter government went into effect on May 28, 1985.