

Federalism

- ▶ Division of power between federal and state governments
- ▶ "Reserved" Powers (left to the states)
- ▶ "Concurrent" Powers (shared by federal and state)
- ▶ Supremacy Clause

- ▶ Federal government meets national needs, such as defense & foreign policy
- ▶ State governments meet statewide needs, such as educational requirements
- ▶ Local governments meet local concerns, such as running a school district

Federalism and State and Local Governments

Obligations and Services of Governments

The U.S. Constitution vs. Florida Constitution

U.S. Constitution

- ▶ Preamble
- ▶ Government of 3 branches:
 - Congress
 - President and Vice President
 - Appointed Cabinet (not in Constitution)
 - Federal Courts: 3 levels

Florida Constitution

- ▶ Preamble
- ▶ Florida Declaration of Rights (like Bill of Rights)
- ▶ State Government of 3 branches:
 - Governor and Lt. Governor
 - Elected Cabinet
 - Florida State Legislature
- Florida House of Representatives: up to 120 members
- Florida Senate: up to 40 members
- Florida Courts: 4 levels



Local Governments in Florida

- ▶ **County Governments**
- ▶ **Municipal Governments:** Governed by mayor and a council or commission; sometimes has city manager
- ▶ **Special Districts:** Meet special purposes

Differences between Florida and U.S. Constitutions

- ▶ Elected Cabinet in Florida
- ▶ No state income tax in Florida
- ▶ English is the official language in Florida
- ▶ Florida Constitution is easier to amend
 - 5 ways to propose amendment
 - 60% of voters must approve for adoption
- ▶ Passing law in Florida similar to Congress/ no "pocket veto" in Florida

Review Cards: Federalism—Federal, State and Local Governments Acting Together

Division of Power between the Federal and State Governments

Federalism = Division of power between the federal government and the state governments.

“Enumerated” powers = The powers granted to the federal government and listed in Article I, Section 8 of the Constitution. Also known as the **“delegated” powers**.

Examples: power to declare war; power to regulate interstate commerce; power to coin money

“Reserved” powers = The powers held back from the federal government and reserved for the state governments. The **Tenth Amendment** specifically states that these powers are **“reserved”** for the states and the people.

Examples: power to establish local government; power to provide public education

“Concurrent” powers = The powers shared by the federal and state governments. Both can exercise these powers.

Examples: power to tax; power to borrow money

Supremacy Clause (Article VI of the Constitution) = states that whenever there is a conflict between federal and state law, the federal law is supreme and the state law is invalidated.

Growth of federal power: Despite limits placed on the federal government, federal power has expanded greatly since the Civil War. The Fourteenth Amendment, the use of “implied” powers, role of the federal government to improve the national economy, and need to defend the nation from overseas threats have all contributed to this trend.

A Comparison of the Florida Constitution and the U.S. Constitution

Similarities

1. Both Constitutions acknowledge the people as the source of all government power. This is acknowledged in their Preambles and Article 1 of the Florida Constitution: “All political power is inherent in the people.”
2. Both Constitutions state that all people are equal before the law and have inalienable rights.
3. The Florida **Declaration of Rights**, found in the first article of the Florida Constitution, echoes the U.S. Bill of Rights.
4. Ties between the two Constitutions are so close that the Florida Constitution adopts several standards from the U.S. Constitution by reference.
5. Both Constitutions establish similar government structures.
6. Both the Florida Legislature and the U.S. Congress are bicameral.
7. Both the U.S. President and the Florida Governor are chief executives, who serve as Commanders in Chief of their armed forces, are assisted by a Cabinet, hold veto power and have the right to pardon. Each executive oversees a great number of departments.
8. Both judicial branches have several levels. Both have a supreme court, appellate courts, and trial courts.

A Comparison of the Florida Constitution and the U.S. Constitution

Differences

1. The U.S. Constitution and the federal government it created address national concerns, such as foreign affairs, while the Florida Constitution and state government focus on matters specific to Florida, such as elections and voting, state finances and taxation, local government and public education.
2. Like most state constitutions, the Florida Constitution is more detailed than the U.S. Constitution.
3. The Florida Constitution has some provisions without any equivalent in the U.S. Constitution, such as identifying English as the official language, prohibiting state income taxes, and providing a taxpayer's bill of rights.
4. Amending the Florida Constitution is easier than amending the U.S. Constitution. There are five ways to introduce an amendment to the Florida Constitution and only a 60% majority of voters is needed for ratification. At the federal level, three-fourths of the states must approve for ratification.

Local Governments in Florida

Local governments make decisions that affect all Floridians, such as operating schools, parks, libraries, and fire and police departments. There are three kinds of local governments in Florida:

1. County Governments

Florida has 67 counties. Citizens in each county elect a sheriff, tax collector, and other officials. They also elect **commissioners** to serve as members of the county **board of commissioners**, which make laws—known as **ordinances**—for the county. They also pass zoning ordinances, which govern land use. County governments provide health services, maintain county courts, supervise local elections, and maintain records of birth, death, marriages and divorces.

Each county also forms its own **school district**. Voters elect members to a **school board**, which oversees the management of all public schools in the district. Voters also elect a **superintendent of schools** for the district.

2. Municipal Governments

They are formed for towns and cities. Voters in a town or city may elect a chief executive, known as the **mayor**, who is assisted by a **city council** or **city commission**, whose members are also elected. In some municipalities, the city council or city commission appoints a **city manager** to head the city administration. There may still be a mayor, who serves on the city council or commission but is elected by all the voters in the municipality. The city council or commission passes local laws, known as **municipal ordinances**. Municipal governments are usually responsible for fire and crime prevention. They may create special commissions to make ordinances in such areas as community service, elections, fish and wildlife, and education.

3. Special Districts

These are similar to counties and municipalities, but they are established for special purposes, like financing engineering projects or mosquito eradication, flood control, or water rationing, if necessary. The geographic area covered by a special district may be the same as or greater than one county.

Government Obligations and Services

Federal Government

The federal government handles national issues, such as national defense, foreign policy, and the American economy. Federal courts protect the rights of citizens guaranteed by the Constitution and the Bill of Rights, and interpret federal law.

State Government

Florida's state government regulates state businesses and insurance, licenses professionals (such as teachers, lawyers and doctors), builds and maintains state highways, issues and enforces rules for traffic safety, licenses drivers, regulates state utilities, and creates building construction codes. It also operates the state's public education system and regulates conservation, pollution, and public health throughout the state.

Local Government

Florida's local governments address the daily local needs of their people, such as operating their public school districts, managing local police and fire departments, and overseeing local sewage and garbage disposal.