## **Essential Teacher Content Background Information**

[*Teacher Content Notes Not Appropriate For Student Use*]

| **This section addresses the following topics:**  1. Enforcing the Laws: The Chief Executive  2. Florida State & Local Government |
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**1. Enforcing the Laws: The Chief Executive**

The Founders’ fear that public officials, especially executives acting alone, would abuse their power is reflected in the checks and balances system linked to the presidency. There is only one unchecked power given to the president. Many argue that this unchecked power is actually a check on the legislative and judicial branches.

1. **The President of the United States**

The table below shows how the president’s powers are checked by Congress.

| **Presidential Power** | **Congressional Check** | **Consequences** |
| --- | --- | --- |
| Chief Executive | Congress enacted laws | The president may ask Congress to enact a law that it does not want to enact |
| Commander-in- Chief of the armed forces | Congress declares war  Congress raises and supports armies and navies | Congress may choose to reduce or eliminate part or all of the armed forces |
| Nominates high level officials | Senate confirms nominations; nominees who are confirmed are then appointed to their positions. | The Senate may reject presidential nominations  The Senate may stall the nominations process  The president may withdraw a nomination that he suspects will not be confirmed by the Senate  The nominee may withdraws his or her nomination if he or she suspects that the nomination will be rejected by the Senate |
| Negotiates treaties | Senate approves treaties for ratification | The Senate may reject a treaty that the president has negotiated |
| Vetoes congressional bills | Congress may override a president’s veto with a 2/3 vote of each house of Congress. | The president may be compelled to enforce a law that he earlier rejected. |

The president’s one unchecked power is the power to pardon. A presidential pardon cannot be vetoed or overturned, and may be viewed as a check on the courts or the legislature in that the president is pardoning someone who has already been convicted by the courts or who might later be impeached by the legislature. Gerald Ford is well known for pardoning former President Richard Nixon once he resigned the presidency on August 8, 1974 after the House of Representatives Judiciary Committee voted to recommend impeachment against Nixon on July 27, 1974. The presidential pardoning power does not extend to someone who has been impeached.

1. **The President’s Cabinet**

The president’s Cabinet was established in Article II, Section 2 of the U.S. Constitution, which states that: “The President of the United States….may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any subject relating to the Duties of their respective Office” (Capitalization in the original). The Constitution does not provide for a specific number of, or duties for, Cabinet departments.

Each executive department head is titled “Secretary” with the exception of the Department of Justice, which is headed by the Attorney General. Department Secretaries must be confirmed by a majority vote in the Senate. Cabinet secretaries have no set terms of office although they normally resign should the president who nominated them leave office.

Below is a list of all current Cabinet departments in the order that they were created.

| **Department Name** | **Year Created** | **Notes** |
| --- | --- | --- |
| State | 1789 | Originally named Department of Foreign Affairs in July 1789, and renamed Department of State in September 1789. |
| Treasury | 1789 | A statue of Alexander Hamilton is placed outside the U.S. Treasury Department building to honor Mr. Hamilton as the first Secretary of the Treasury. |
| War | 1791 | Named the Department of the Army 1947  Named the Department of Defense 1949 |
| Office of Attorney General | 1789 | Named the Department of Justice in 1870; |
| Interior | 1849 | Created in 1849 to deal with the internal development of the Nation and the the welfare of its people |
| Agriculture | 1862 | Provides leadership on food, agriculture, natural resources, rural development, nutrition, and issues bases on public policy, the best available science, and effective management |
| Labor and Commerce | 1903 | Renamed the Department of Commerce when the Department of Labor was created in 1913 |
| Labor | 1913 | Handles unemployment benefits, workplace safety, and wage standards. The Labor Department helps administer and enforce federal regulations to help keep employees safe, as well as ensure their rights. |
| Health, Education and Welfare | 1953 | In 1979, the Department of Education was created, at which point the Department of Health and Human Services was created in 1980 as a department separate from Education. |
| Housing and Urban Development | 1965 | Created in 1965 to administer federal housing and urban development laws. |
| Transportation | 1966 | Created in 1966 to ensure a fast, safe, efficient, accessible, and convenient transportation system to benefit the quality of life for the American people |
| Energy | 1977 | Established under the Carter administration to respond to the energy crisis |
| Education | 1979 | See Department of Health, Education and Welfare above; the U.S. Department of Education has the smallest budget of all Cabinet-level departments. |
| Veterans Affairs | 1988 | The Department of Veterans Affairs was first formed as the Veterans Administration in 1930 and elevated to Cabinet-level status in 1988. |
| Homeland Security | 2003 | The Department of Homeland Security was created in response to the September 11, 2001 terrorist attacks on the United States. |

Several positions hold Cabinet rank even though they are not secretaries of Cabinet level departments. These include the Vice-President of the United States, White House Chief of Staff, the Office of Management and Budget and the U.S. Ambassador to the United Nations.

**2. Florida State and Local Government**

1. **The Florida Governor**

Article IV of the Florida Constitution outlines the Governor’s core duties as follows:

*The supreme executive power shall be vested in a governor, who shall be commander-in-chief of all military forces of the state not in active service of the United States. The governor shall take care that the laws be faithfully executed, commission all officers of the state and counties, and transact all necessary business with the officers of government. The governor may require information in writing from all executive or administrative state, county or municipal officers upon any subject relating to the duties of their respective offices. The governor shall be the chief administrative officer of the state responsible for the planning and budgeting for the state.*

The state lawmaking process is also similar to the federal process. There is a provision for an override of a governor’s veto requiring a 2/3 vote in each house. Unlike the president of the United States, Florida’s governor has the power of the line item veto.

The governor serves with a cabinet comprising three statewide elected officers: Chief Financial Officer, Attorney General, and Commissioner of Agriculture and Consumer Services.

1. **Florida Local Government**

Florida’s local governments are comprised of counties and municipalities such as cities, towns and villages.

An elected board of county commissioners governs in each of Florida’s 67 counties. Counties must carry out constitutionally mandated responsibilities and those established by the state. County-level constitutional services include law enforcement and jail administration, tax collection, property appraisal, state court administration and election supervision. Counties oversee road maintenance, public health, and solid waste disposal, among other responsibilities. County commissions determine other county services. Orange County, Florida’s county government is unique in that Orange County has a countywide elected mayor. Otherwise, Florida’s county commissioners choose their own commission chair from among their membership. Commission chairs oversee commission meetings.

Each county has its own school district that has elected school boards that govern the day-to-day operations of K-12 public education. School districts are a special-purpose local government. Funding is provided through property taxes and state revenues.

Florida also has special districts of which there are two types. Independent districts are created by the legislature for a specific purpose to be provided in a certain area such as water management districts, fire service, inland navigation, and ditch maintenance. The funding and governance of each is set by the legislature. Dependent special districts are created by cities and counties, are governed by the city or county elected commission, and derive their authority, funding and support from that government. There are about 600 independent and 300 dependent special districts throughout Florida.

1. **Florida Cities**

Cities are independent municipal governments founded by citizens who choose their name. Ordinances are the laws that govern cities. The city charter serves as a constitution. The charter sets forth the boundaries of the municipality, its form of government, the size of the council and governmental processes. In Florida, the legislature approves the municipality through a special act, and the charter is approved by the citizens through a referendum.

In Florida, a city is recognized with certain rights and privileges; the most important is home rule. Florida’s constitution recognizes that cities may enact their own ordinances and self-govern as long as the city’s law does not conflict with state and federal law. Home rule powers do not extend to fiscal home rule because the state reserves all taxing authority to itself.

Self-government at the city level occurs with mayors, who serve as cities’ chief executives, and city councils, who serve as city legislatures. City charters determine how much power mayors have. Some mayors function within “strong mayor” forms of government, while other cities utilize the “weak mayor” form of government. Rules regarding the length of terms, whether terms are limited, and, in how many persons will serve on city councils, are outlined in city charters.

