## **Essential Teacher Content Background Information**

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

| **This section addresses the following topics:**  1. Making the Laws: The Legislature  2. Florida Local Government |
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**1. Making the Laws: The Legislature**

Lawmaking is central to the U.S. Government. The separation of powers and checks and balances system gives priority to the lawmaking process; legislators are elected at every level of government, which gives direct power to citizens in deciding who makes the laws.

1. **The United States Congress**

Congress today consists of a 435 member House of Representatives and a 100 member Senate. The Constitution guarantees each state two Senators and at least one member of the U.S. House of Representatives. Legislation must be passed by at least one half of the membership of each chamber voting to approve (218 in the House; 51 in the Senate). Proposed laws, or bills, are then considered by the president. Bills that are approved by the president become laws, which are called acts.

1. **How Congress Works: The Committee System**

Committees in Congress allow for deliberation and debate with a reduced number of members than the entire body. Trying to get 435 people to deliberate on a decision of national importance, or even 100, would be nearly impossible. The committee system also reflects the notion that members need to spend time on issues important to their district in order to serve their constituents well. Committees allow representatives to specialize on issues within a specific policy area. In their deliberations, committees hold hearings, conduct research, and write policy. Special interest groups often testify during these hearings in their efforts to shape legislation as it is being written. Some bills are not forwarded to the full house for a vote as the committee may recommend that a bill not receive further consideration. In other cases, the committee votes favorably on the bill and it is forwarded to the full house for a vote.

There are five different committee types in Congress. Members serve each committee type from one or both houses and/or one or both parties. Information on parties in Congress is found below as follows:

| **Committee Type** | **Committee Purpose** | **Committee Membership** |
| --- | --- | --- |
| Standing | Permanent legislative panels that consider bills and issues | Members of one house, and both parties |
| Select | Temporary committee that addresses a specific issue; once that committee’s business is complete, the committee dissolves | Members of one house, and both parties |
| Special | Performs a special function beyond the authority or capacity of a standing committee | Members of one house, and one party |
| Joint | Policy exploration with a narrow jurisdiction | Members of the House of Representatives and the Senate |
| Conference | Temporary committee formed to reconcile differences in legislation passed by both chambers. | Members of the House of Representatives and the Senate |

1. **How Congress Works: The Party Leadership System**

Political parties are mentioned nowhere in the Constitution. Still, political parties play key roles in the organization of Congress, particularly committees.

The Democratic and Republican parties are the only parties recognized in Congress. Members of Congress may be elected from minor parties, or be elected as independents (both situations are rare) although they are not granted leadership opportunities.

There is a majority and a minority party in Congress. The majority party is determined based on which political party has the most members based on the most recent election. The minority party is the party with the lesser membership, also based on the most recent election.

Majority parties in Congress enjoy unique leadership opportunities. For example, the majority party selects the Speaker of the House of Representatives, which is the only office chosen by Representatives named in the U.S. Constitution. The Senate majority party elects the “President pro tempore”, or “pro tem,” who serves in the absence of the Vice-President as president of the Senate. Majority party members also chair all standing and select committees, while the larger share of seats on each of these committees also comes from the majority party. Together, the majority party can guide the policy process because it holds leadership positions in each house, chairs all policy committees, and holds the majority on each of these committees. The Vice-President breaks ties in the Senate.

Party membership also relates to the purpose of the committee. Special committees are limited to members of one house and one party because special committees work toward a particular party’s goal, such as shaping a party’s position on a proposed policy, or getting members of that party re-elected to that house of Congress in the next election cycle. Similarly, when the committee’s purpose is to address matters of importance to all Congress members, both parties are represented from both houses. Conference committees have members from both houses and both parties because these committees negotiate agreements on bill differences between the two chambers. As both chambers must agree on the same version of all bills passed by Congress, members of both parties and houses should participate in the discussion over any revisions so that, once compromise is reached, each of conference committee members will recommend to their respective houses and parties that they support the agreed-upon version.

1. **The Florida Legislature**

Lawmaking in Florida follows a system similar to that practiced by the U.S. Congress. There is both a committee system and party leadership system in each legislative house. Party leadership posts are assigned based on majority and minority party membership. The majority party leadership appoints standing committee chairs. Committees are structured so that the majority party in the house holds the majority of seats on each standing committee.

Article IV of the U.S. Constitution guarantees to every state a republican (representative) form of government where the legislature and executive are elected by the people. Florida has a bicameral (two house) legislature consisting of a 120 member House of Representatives and a 40 member Senate. Both houses are term limited to eight years each, where members are allowed to serve eight years in each house (whether consecutive or non-consecutive terms) over their lives (total=16 years). House terms are two years each while Senate terms are four years each. Florida’s governor is limited to two four-year terms. The Florida legislature is a part-time legislature that meets 60 days each year beginning in early March and finishing in early May.

Being a bicameral legislature, a majority of each house of the Florida legislature must agree on all proposed laws, or bills, introduced before being forwarded to the governor. Bills passed by the Florida legislature and signed by the governor are called statutes.

**2. 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. 