INTERGOVERNMENTAL COOPERATION AGREEMENTS – FLORIDA
Survey of State Law

Background

In the face of declining resources and increasing demand for services, many local health departments (LHDs) are exploring innovative ways to improve efficiency, meet accreditations standards, and reduce costs by sharing service delivery and other functions with other LHDs, agencies, and entities.

One method for such cross-jurisdictional collaboration is the utilization of state interlocal agreement acts. These acts permit localities to enter into agreements with other entities to provide health and other services, and govern the terms of those agreements. Many permit the creation of new entities to accomplish public health goals.

The goal of these acts is, as stated for example by Florida’s Interlocal Cooperation Act, “to permit local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord the best geographic, economic, population, and other factors influencing the needs and development of local communities.” Fla. Stat. § 163.01.

In 2012, with the extremely helpful assistance of pro bono attorneys from the firm of McDermott Will & Emery LLP and the Iowa Health System, the Network for Public Health Law conducted a survey of intergovernmental cooperation laws currently in effect in all 50 states. The results of that survey are provided below.

Please be advised that this table should be used only as a guide. While we do not know it to contain any errors, we do know that it is incomplete. We also caution that in many cases other laws and regulations may be used to share services and personnel between organizations and such actions may be permissible even without explicit enabling legislation. We strongly suggest that interested persons and entities contact us for assistance in this complicated area of law.
<table>
<thead>
<tr>
<th>Name/Title and citation of relevant law(s)</th>
<th>Specific to public health? (Y/N)</th>
<th>Can entities enter into agreements? (Y/N); If Yes: Describe activities Describe requirements</th>
<th>Can new entity be created? (Y/N); If Yes: Is new entity limited in duration? (Y/N) Can new entity issue bonds? (Y/N) Does new entity have taxing authority? (Y/N) Describe powers of new entity</th>
<th>Is outside approval required? If Yes, explain.</th>
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<tr>
<td>Florida Interlocal Cooperation Act of 1969 FLA. STAT. § 163.01</td>
<td>No</td>
<td>Yes. A public agency may, by contract, exercise jointly with any other public agency of the state, another state, or the U.S. government any power that such agencies share in common and that each may exercise separately.</td>
<td>Yes The entity is not limited in duration.</td>
<td>No</td>
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<td>County Health Departments FLA. STAT. § 154.05</td>
<td>Yes</td>
<td>Yes. Two or more county governments may, by agreement, combine in the establishment and maintenance of a single full-time county health department for such counties. The agreement must provide for the division of specific roles and responsibilities for each county and health department, including the method of governance and executive direction, the manner by which each county’s public health needs will be addressed, an inventory of necessary facilities, equipment and personnel, and any other needed infrastructure.</td>
<td>Yes. Two or more county governments may combine in the establishment and maintenance of a single full-time county health department for such counties.</td>
<td>Yes. The participating county governments must approve the nature and duration of the arrangement, which must then be approved by the Florida Department of Health.</td>
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SUPPORTERS

The Network for Public Health Law is a national initiative of the Robert Wood Johnson Foundation with direction and technical assistance by the Public Health Law Center at William Mitchell College of Law.

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