

**BOARD OF COUNTY COMMISSIONERS
INDIAN RIVER COUNTY, FLORIDA**



**COMMISSION AGENDA
PUBLIC WORKSHOP**

WEDNESDAY, JANUARY 17, 2007 - 2:00 P.M.

**County Commission Chamber
County Administration Building
1840 25th Street, Vero Beach, Florida, 32960-3365
WWW.IRCGOV.COM**

COUNTY COMMISSIONERS

Gary C. Wheeler, Chairman	District 3	Joseph A. Baird, County Administrator
Sandra L. Bowden, Vice Chairman	District 5	William G. Collins II, County Attorney
Wesley S. Davis	District 1	Kimberly Massung, Executive Aide to BCC
Joseph E. Flescher	District 2	Jeffrey K. Barton, Clerk to the Board
Peter D. O'Bryan	District 4	

-
- | | | <u>PAGE</u> |
|-----------|---|------------------------------|
| 1. | <u>CALL TO ORDER</u> | <u>2:00 P.M.</u> |
| 2. | <u>INVOCATION</u> | Commissioner Wesley S. Davis |
| 3. | <u>PLEDGE OF ALLEGIANCE</u> | Commissioner Gary C. Wheeler |
| 4. | <u>PRESENTATION ON CHARTER GOVERNMENT IN FLORIDA</u> | |
| | Virginia "Ginger" Delegal, General Counsel, Florida Association of Counties | |
| 5. | <u>BOARD DISCUSSION</u> | |
| 6. | <u>PUBLIC COMMENTS</u> | |
| 7. | <u>ADJOURNMENT</u> | |

NOTICE: All proceedings before this Board are electronically recorded. Any person who decides to appeal any action taken by the Board at these meetings will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made. Anyone who needs a special accommodation for this meeting may contact the County's Americans with Disabilities Act Coordinator at 226-1223, (TDD # 772-770-5215) at least 48 hours in advance of the meeting.



Indian River County Board of County Commissioners Workshop January 17, 2007

**Virginia “Ginger” Delegal
General Counsel**

Florida Association of Counties, Inc.

100 South Monroe Street

Tallahassee, Florida 32301

850/922-4300

gdelegal@fl-counties.com

All About Florida



Introduction

- **To me**
- **To the Florida Association of Counties**
- **Goal for today – Information**



Highlights

- **Florida's Counties**
- **“Home Rule” Powers**
 - **Charter and Non-Charter**
- **Pre-empted Power: Taxation**
- **Relationships With Others**



Meet Florida's Counties

- **What is a county?**
- **67 Counties in Florida**
 - 19 Charter Counties
- **Diversity of Counties**
- **County Functions**

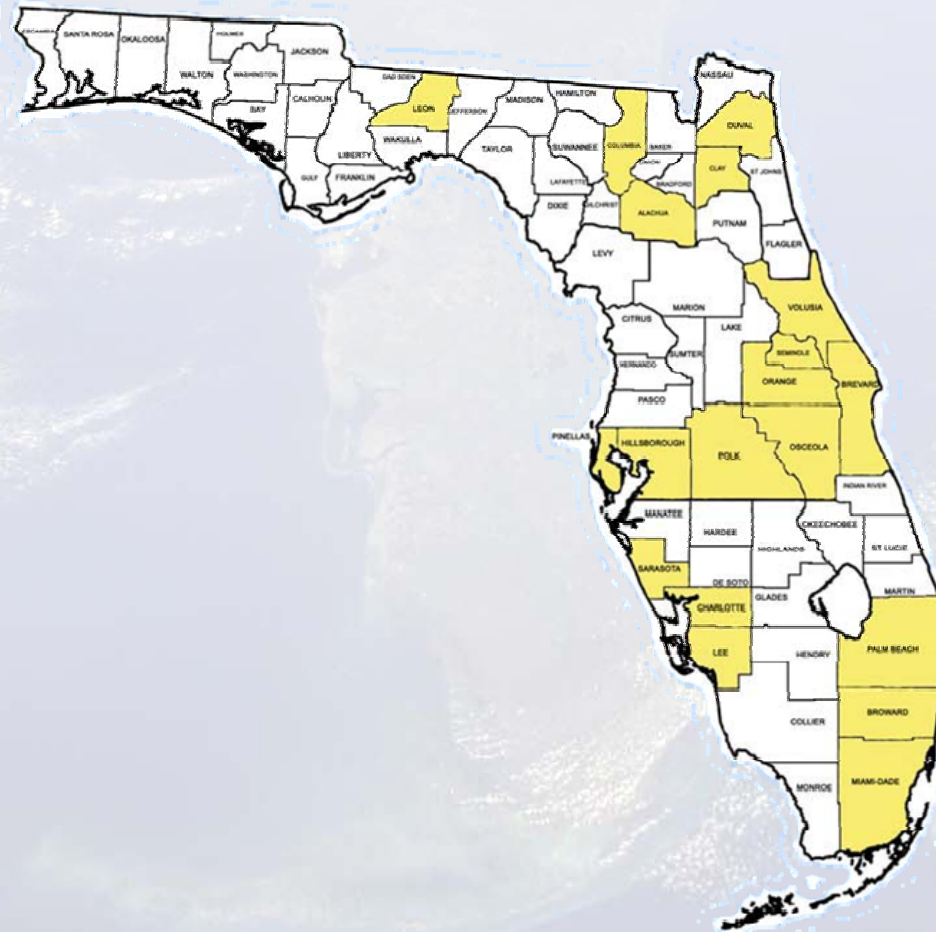


County Authority

- **Florida Constitution**
- **Florida Statutes**
 - **Special Acts**
 - **Florida Administrative Code**
- **Florida Case Law**
- **County Charters**
- **County Ordinances**
 - **Resolutions**



Florida's Charter Counties





Home Rule Authority Florida Constitution

- **1968 Constitutional Revision**
- **Article VIII, section 1**
 - (f): non-charter counties
 - (g): charter counties



Charter Counties: Constitutional Powers

“...shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law. The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances.”



Non-Charter Counties: Constitutional Authority

“...shall have such power of self-government as is provided by general or special law. The board of county commissioners...may enact, in a manner prescribed by general law, county ordinances not inconsistent with general or special law, but an ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict.



County Statutory Powers

Section 125.01:

(1) The legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power includes, but is not restricted to, the power to: (a) – (dd)



County Statutory Powers

Section 125.01

(3)(a) The enumeration of powers herein shall not be deemed exclusive or restrictive, but shall be deemed to incorporate all implied powers necessary or incident to carrying out such powers enumerated,...



County Statutory Powers

(b) The provisions of this section shall be liberally construed in order to effectively carry out the purpose of this section and to secure for the counties the broad exercise of home rule powers authorized by the State Constitution.



What is Home Rule To the Counties?

- **Local laboratory**
- **Community vision**
- **Local choices**
- **Solve local problems locally**
- **One size does not fit all**



What is Home Rule To the Counties?

- **Charter and Non-Charter Distinctions**
- **Power to tax in unincorporated area**
- **Power to alter functions of county officers**
- **Power to have county ordinances prevail over municipal ordinances**
- **Special acts that limit a charter county's power must be approved by the electors to have a limiting effect.**



Governmental Reform

- **Legislative and Executive Branches**
- **Constitutional Officers**
- **Reserved Powers to the People**
- **Regional – Countywide Powers**
 - **City/County Relations**
 - **Recent Cases of Interest**

Preempted Powers

- **Preemption Generally:**
 - Legislature has power of preemption
- **Taxation:**
 - Article VII, sections 1, 9
 - All taxes, other than ad valorem property taxes are preempted to the State
- **Power to impose non-tax revenue sources: home rule power**



Additional Revenue Sources

- **Not Many**
- **Public Service Tax**
- **Communication Services Tax: Higher Rate**
- **Sales Taxes – Certain Local Options**
- **Miscellaneous**



Government Partner Views

- **Florida Legislature**
 - **Convenient Classification**
- **Municipalities**
 - **Preemption**
 - **Community Redevelopment Agencies**



Closing Thoughts

- Regionalism
- Reform
- Questions/Issues

				LEGISLATIVE BODY							
				Separation of Powers							
County	Size of Commission	How Elected	Partisan Election --Yes/No	Length of Term	Term Limitation	Adjustments to Salary	Specify Legislative Powers Per State Statutes	Separates Legislative & Executive Functions	Specifies Non-Interference Clause	ADMINISTRATIVE CODE REQUIRED	RECALL
Alachua	5	District/At Large	Y	4	N	Statute	Y	Y	N	Y	Y
Brevard	5	District/At Large		4	2	Statute	Y	Y	Y	Y	Y
Broward	9	District	Y	4	3	Statute			Y	Y	Y
Charlotte	5	District/At Large		4		Statute		Y	Y	Y	Y
Clay	5	District	Y	4	2	Statute	Y	Y	Y	Y	Y
Columbia	5		N	4		Statute		Y	Y	Y	Y
Duval	19	14 District/5 At Large		4	2	Charter	Y	Y			Y
Hillsborough	7	4 District/3 At Large		4	2	Charter		Y		Y	Y
Lee	5	District/At Large	Y	4		Statute	Y	Y	Y	Y	Y
Leon	7	5 District/2 At Large	N	4		Ordinance	Y	Y	Y	Y	Y
Miami-Dade	18	Mayor/13 District/ At Large	4 N	4	2	Charter					
Orange	7	District/Chair-At Large	N	4	2	Ordinance	Y	Y	Y	Y	Y
Osceola	5	District/At Large		4		Statute		Y		Y	Y

				LEGISLATIVE BODY							
				Separation of Powers							
County	SIZE OF COMMISSION	HOW ELECTED	PARTISAN ELECTION YES/NO	LENGTH OF TERM	TERM LIMITATION	ADJUSTMENTS TO SALARY	SPECIFY LEGISLATIVE POWERS PER STATE STATUTES	SEPARATES LEGISLATIVE & EXECUTIVE FUNCTIONS	SPECIFIES NON-INTERFERENCE CLAUSE	ADMINISTRATIVE CODE REQUIRED	RECALL
Palm Beach	7	District	Y	4	2	Statute	Y	Y	Y	Y	Y
Pinellas	7	4 District/3 At Large		4		Statute		Y	Y		
Polk	5	District/At Large		4	2	Charter		Y	Y	Y	Y
Sarasota	5	District/At Large		4	2	Charter			Y	Y	Y
Seminole	5	District/At Large		4		Statute		Y	Y	Y	Y
Volusia	7	5 District/2 At Large	N	4	2	Charter	Y	Y	Y	Y	