



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
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MEMORANDUM

TO: Board of County Commissioners

FROM: Kate Pingolt Cotner, Assistant County Attorney *KPC*

DATE: June 12, 2017

SUBJECT: A Resolution Directing Staff to Work With the Members of the Treasure Coast Council of Local Governments to Promote and Defend Home Rule Authority

BACKGROUND: In 1968, Florida voters amended the Constitution of the State of Florida to confer broad home rule powers to counties and municipalities. Pursuant to the Constitution and Section 125.01, Florida Statutes, Indian River County is authorized to pass local ordinances and exercise all powers not specifically prohibited by law. This power is commonly referred to as home rule, and it is essential for the Board of County Commissioner for Indian River County ("Board") to be able to establish local rules and regulations that are in the best interest for the residents.

During Florida's 2017 legislative session, there were a significant number of bills filed that threatened to preempt the home rule authority of local governments. While most of the referenced bills were unsuccessful, we should anticipate future legislation that proposes to curtail, restrict and/or preempt the Board's home rule authority.

This Board has expressed a desire to work with our sister communities along the Treasure Coast to form a coalition to defend its home rule authority. Staff recommends this Board adopt the attached resolution and authorize Indian River County staff to work with the members of the Treasure Coast Council of Local Governments ("TCCLG"), a voluntary council created pursuant to Section 163.02, Florida Statutes, to support and defend the home rule authority of local governments.

FUNDING:

There is no funding associated with this item.

RECOMMENDATION:

The County Attorney's Office recommends that the Board of County Commissioners adopt the attached resolution to direct staff to work with the members of the TCCLG to promote and defend the home rule authority of local governments.

Attached: Proposed Resolution