Palm Beach Dual Vote Initiative White Paper

The recent property tax reform talk from Tallahassee has clearly demonstrated the importance of home rule. The counties of Florida have launched a campaign across the state and at the legislature asking that the State NOT dictate to them unreasonable measures. The municipalities of Palm Beach County do not wish to be dictated to by the county any more than the county wishes to be dictated to by the state.

The proposed dual vote amendment to the Palm Beach County Charter is needed to protect municipal autonomy. This amendment gives city residents a voice in county regulations and standards as they apply within their city. With this amendment, a city's voters can "opt out" of proposed changes by the County to take away or change a city's service or regulatory authority. Under the current county charter, a simple majority vote of county residents can alter important municipal powers.

It has been argued that city services are protected by the Florida Constitution, but the Constitution only protects powers and functions through dual vote – not regulations and service standards. Currently the County could establish fire and police department standards that cities and their residents could not afford. This would essentially legislate city fire and police departments out of existence by making the Sheriff and County Fire Rescue the only reasonable financial option.

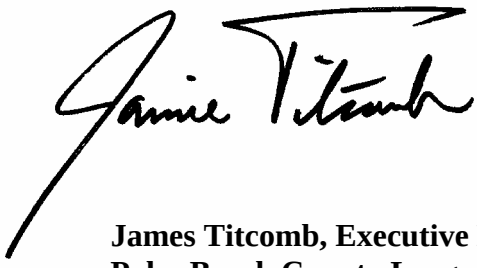
Without this amendment, voters countywide have the authority to change the character of our cities and more importantly, override the desire of city residents through regulation – with little or no say by city voters. Without this amendment, the county could pass regulations overriding local city standards including tree protection, adult businesses restrictions, landscaping, architectural guidelines, pet leash laws, sale of alcoholic beverages, redevelopment, water supply, charitable solicitation, and billboard and sign codes.

In recent years, various municipalities have sued the county over issues including countywide dispatch and annexation in the western lands. These lawsuits were brought to protect municipal home rule and the rights of municipal citizens. Unfortunately, hundreds of thousands of taxpayer dollars have been spent in legal fees between Palm Beach County and its municipalities. This amendment will help stop this costly litigation between the governments and put that money to better use.

The U.S. Supreme Court has said that the power to regulate is the power to destroy. The decision to take away a city's service or regulatory authority is currently controlled by voters countywide who don't necessarily live in a city and or know the particular needs or desires of city residents.

City residents need to have a separate voice in their own affairs. It protects their self-identity and way of life. It makes Boca Raton different from Loxahatchee Groves, and Jupiter different from West Palm Beach. One size does not fit all when it comes to state mandates, and it doesn't fit when it comes to county mandates, either.

Jack McDonald, Mayor Palm Beach
Let Us Vote Committee Chair



James Titcomb, Executive Director
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