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May 10, 2017

**M E M O R A N D U M**

**TO:** Scott Knox, County Attorney

**RE:** Item IV.H., Ordinance Regarding County Commissioners Office Location

The Board of County Commissioners, in regular session on May 9, 2017, adopted Ordinance No. 17-11, requiring each County Commissioner to have his or her office within the District in which he or she was elected. Enclosed is a fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

Encl. (1)

cc: Each Commissioner  
Interim County Manager Abbate



**FLORIDA DEPARTMENT *of* STATE**

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

May 11, 2017

Honorable Scott Ellis  
Clerk  
Board of County Commissioners  
Brevard County  
Post Office Box 999  
Titusville, Florida 32781-0999

Attention: Ms. Deborah Thomas, Administrative Assistant

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 2017-11, which was filed in this office on May 10, 2017.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

**ORDINANCE NO. 2017-11**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA AMENDING ARTICLE II, CHAPTER 2 OF THE BREVARD COUNTY CODE OF ORDINANCES ENTITLED “BOARD OF COUNTY COMMISSIONERS”; CREATING A NEW SECTION, SECTION 2-29, ENTITLED “COUNTY COMMISSIONER OFFICE LOCATION”; PROVIDING FOR FINDINGS AND INTENT; PROVIDING FOR DISTRICT OFFICE LOCATION; PROVIDING FOR STATUTORY AUTHORITY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR INCLUSION IN THE BREVARD COUNTY CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Article VIII, Section 1 of the Florida Constitution and Chapter 125, Florida Statutes, the Board of County Commissioners of Brevard County, Florida (hereinafter referred to as the “Board”) is authorized to establish ordinances that are not inconsistent with general law; and

**WHEREAS**, the Board finds that, on a typical day, constituents want to discuss a variety of issues with their County Commissioner face-to-face; and

**WHEREAS**, the Board finds that a County Commissioner must work in the District in which they were elected so as not give the appearance that he or she is avoiding day-to-day interaction with his or her constituents; and

**WHEREAS**, the Board finds that a County Commissioner must have his or her office located in the District in which he or she was elected to guarantee openness of government, encourage civic involvement in government, and ensure public accessibility to elected officials.

**NOW, THEREFORE**, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, that:

**Section 1. Findings and Intent.** The foregoing recitals are incorporated into this ordinance as findings of the Board.

**Section 2. Creation.** Section 2-29 of the Code of Ordinances of Brevard County is hereby created to read as follows:

**Section 2-29. Office Within District.** Every County Commissioner must have his or her District office located within the boundaries of the District in which he or she was elected. In the event redistricting causes a County Commissioner’s office to be located outside the District in which he or she was elected, that Commissioner shall relocate his Officially filed with Secretary of State on 5/10/17.

or her office back to his or her District, at the County's expense, within sixty (60) days after the new District boundaries take effect.

**Section 3. Authority.** Pursuant to Article VIII, Section 1 of the Florida Constitution and Chapter 125, Florida Statutes, the Board is permitted to adopt rules and regulations not inconsistent with general law.

**Section 4. Conflict.** Unless preempted by State or Federal law, to the extent that the provisions of this Ordinance are more stringent than those of State law, this Ordinance shall apply. In the case of a direct conflict between any provision of this Ordinance and a provision of any Federal, State, or County law, rule, or regulation, the more restrictive shall apply.

**Section 5. Inclusion in Code.** It is the intention of the Board that the provisions of this Ordinance shall become and be made part of the Brevard County Code of Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and that the word "Ordinance" may be changed to "Chapter," "Section," "Article," or such other appropriate word or phrase in order to accomplish such intentions.

**Section 6. Severability.** If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 7. Effective Date.** The effective date of this Ordinance shall be sixty (60) days after adoption. A certified copy of this Ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten (10) days of enactment.

**DONE AND ADOPTED** in Regular Session, this 9 day of May, 2017.

ATTEST:

  
\_\_\_\_\_  
By: Scott Ellis, Clerk of Court

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

  
\_\_\_\_\_  
By: Curt Smith, Chairman  
(as approved by the Board on 5/9/17)