

BOARD OF COUNTY COMMISSIONERS

INTER-OFFICE MEMORANDUM

To: Honorable Chairman and Members of the Board of County Commissioners

From: Herbert W. A. Thiele, Esq. 
County Attorney

Date: May 13, 2008

Subject: 2008 Legislation Regarding Value Adjustment Boards (CS/HB 909)

Attached hereto please find a copy of the enrolled Bill known as Committee Substitute for House Bill 909, which makes certain modifications to Chapters 193, 194 and 195, Florida Statutes, concerning factors for property appraiser's deriving just valuation, the composition and activities of the Value Adjustment Board, and provisions with regard to burdens of proof. Aside from the technical considerations with regard to the method of valuation and the burdens of proof, the significant part of this Bill which is set forth in Section 4 modifies §194.015, Florida Statutes, concerning Value Adjustment Boards. In this, the Legislature has reduced from 3 to 2 the number of County Commissioners; reduced from 2 to 1 the number of School Board members, and have made those two member slots as citizen appointments, one by the Board of County Commissioners and one by the School Board, utilizing various criteria. The quorum of the Value Adjustment Board now must include one County Commissioners, one School Board member and at least one citizen member. Furthermore, this Bill deletes in its entirety the responsibility of the County Attorney's Office to represent the Value Adjustment Board. Instead, the Bill requires that the Value Adjustment Board retain its own counsel (interestingly, the Legislature provided no funding for this requirement), which private counsel must be a lawyer who has practiced law for five (5) years and will be paid compensation as established by the Value Adjustment Board. There are also restrictions on whom the private counsel might otherwise represent while they are representing the Value Adjustment Board.

Since this Act will take effect on September 1, 2008, it is our suggestion that a meeting of the Value Adjustment Board as composed for the year 2007 be convened prior to September 1, 2008, so that the County Attorney's Office can assist the Value Adjustment Board in formulating whatever criteria the Value Adjustment Board would like in selecting new private counsel to replace the County Attorney's Office, designating a funding source for the payment of the new outside counsel's fees, and otherwise redoing the composition of the Value Adjustment Board for the upcoming year.

By copy of this memorandum to Robert Sniffen, Esq., as counsel to the Property Appraiser, and to Bob Inzer, Clerk of the Court, and their respective staffs, we are advising them of this

Legislation and our suggested manner by which to address the upcoming modifications to the Value Adjustment Board composition and counsel issues. Please advise, at your convenience, so that we can attempt to convene the Value Adjustment Board.

Should you have any additional questions, please contact the County Attorney's Office.

HWAT:cal
Attachment

cc: Parvez Alam, County Administrator ✓
Vincent Long, Deputy County Administrator
Alan Rosenzweig, Assistant County Administrator
Jeffrey Whalen, Esq., Counsel for Leon County School Board
Robert Sniffen, Esq., Counsel for Leon County Property Appraiser
Honorable Bob Inzer, Clerk of the Court
Honorable Bert Hartsfield, Property Appraiser
Jonan Hanney, Property Appraiser's Office
Cathy Mills, Clerk of the Court's Office