

3. By dividing the population, as recalculated to reflect the relative local ability, by the total recalculated population of all eligible municipalities in the state. (Emphasis supplied.)

From a study of this chapter with special emphasis on the above-quoted sections, there is not reflected any intent to treat personal property differently from real property. Instead, §218.245, *supra*, states that local government ability to raise revenue will be computed on valuation of both *real* and *personal* property. To place a three-mill tax on real property only would neither meet the purpose of this computation nor reflect accurately the ability of a municipality to raise revenue from this source. Since real and personal property valuations are pertinent to eligibility and determination of revenue allotted to the municipality, the compliance requirement of §218.23(1)(c), *supra*, did not in my opinion contemplate a millage placed on real property only.

073-402—October 30, 1973

REGIONAL PLANNING COUNCIL VOTING RIGHTS OF COUNCIL MEMBERS

To: Wallace Dunn, City Attorney, Ocala

Prepared by: Rebecca Bowles Hawkins, Assistant Attorney General

QUESTIONS:

1. May a regional planning council established under the provisions of Ch. 160, F. S., limit membership to all municipalities who make application to join such a council so as to restrict or prohibit their right to vote as a member in such a council?
2. May a regional planning council established under the provisions of Ch. 160, F. S., organized by two or more counties thereafter restrict or prohibit a municipality whose application for membership is accepted from a right to voting membership?

SUMMARY:

A regional planning council created pursuant to Ch. 160, F. S., may not prohibit municipalities who desire to do so from participating in the affairs of the council through the two representatives appointed by each of them as members of the council.

AS TO QUESTIONS 1 AND 2:

Section 160.01(1), F. S., authorizes "any two or more counties and municipalities" to create and establish a regional planning council "to be composed of two representatives appointed thereto by each county commission and municipal legislative body *desiring representation on such council*" (Emphasis supplied.) The italicized language apparently contemplates participation in regional planning and representation on the planning council by any county or municipality in the region who desires to do so. While the regional planning council is authorized to "adopt rules of procedure for the regulation of its affairs and the conduct of its business" §160.02(1), *id.*, no citation of authority is needed for the proposition that such rules may not conflict with the statute under which the rulemaking body was established. And, as noted above, each municipality who desires to do so apparently has the right to have two representatives on the regional planning council. That such "representation" carries with it the right to vote is made clear by the last sentence of §160.01(1), providing that

Participating governmental units may designate to membership ex officio *and without vote* their chief planning officer and engineer, or either of them. (Emphasis supplied.)

Accordingly, your questions are answered in the negative.

073-403—November 5, 1973

ELECTION

PROVISION OF SPACE FOR WRITE-IN VOTE, WHEN NO WRITE-IN CANDIDATE QUALIFIED, UNNECESSARY

To: *Hal Roberts, City Attorney, Lakeland*

Prepared by: *Michael Parrish, Assistant Attorney General*

QUESTION:

Must a municipality provide a space for write-in votes on a ballot when the time for qualifying as a write-in candidate under general law has expired without anyone so qualifying when the municipality's charter act contains no provision for write-in candidates and adopts the general law of this state relating to elections except as otherwise specified in its charter act?

SUMMARY:

In the absence of any controlling charter act provisions, a municipality which has adopted the general election law is not required to include a space for write-in votes on its ballots when the time for write-in candidates to qualify under §99.023, F. S., has expired without anyone having so qualified.

Section 101.151(5)(a), F. S., provides that "[a] blank line shall be left at the bottom of the list of the candidates *in races where write-in candidates have qualified under §99.023.*" (Emphasis supplied.) Thus, when no write-in candidate has qualified under §99.023, the statute does not require that the ballot contain a space for write-in votes. It should also be noted that pursuant to §99.023, a write-in candidate is not entitled to have votes counted for him unless he has complied with the requirements of that section. Therefore, when no write-in candidate has qualified under §99.023 and there is no charter act provision establishing any other method of qualification as a write-in candidate, no useful purpose would be served by including a space for write-in votes on the ballots. *Accord:* Attorney General Opinion 073-137, holding, in similar circumstances, that a municipality is not required to hold an election when only one candidate has qualified for each vacant office and the time for qualifying as a write-in candidate has expired.

Your question is, therefore, answered in the negative.

073-404—November 6, 1973

STANDARDS OF CONDUCT LAW

SALES TO COUNTY WHEN COMPANY OFFICER SERVING TEMPORARILY AS COUNTY COMMISSIONER

To: *Temporary County Commissioner*

Prepared by: *Rebecca Bowles Hawkins, Assistant Attorney General*