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To: [Lisa Crabtree](#)
Cc: [Mitchell Palmer](#); [Alex Nicodemi](#); [Jacob Saur](#); Eric.Werbeck@manateesheriff.com; [Juliet Shepard](#)
Subject: Interlocal Agreement for Traffic Enforcement, Del Tierra Homeowners Association, Inc.; RLS-2020-0104
Date: Tuesday, March 24, 2020 4:34:36 PM

Lisa:

Pursuant to the above Request for Legal Services you have asked this Office to review a draft interlocal agreement for traffic enforcement between the Del Tierra Homeowners Association (HOA) and the County. I provide the following advice in response:

1. The ILA was submitted to the Manatee County Sheriff's Office (MSO) by the HOA's legal counsel. It loosely follows a form that the County once used for community development districts (CDDs). Pursuant to RLS-2019-0423, this Office recommended substantive changes to that form that are not reflected in the ILA. Moreover, Florida Statute 163.01 does not authorize an interlocal agreement between government entities and a private corporation such as the HOA. Finally, the ILA attempts to delegate government powers to the HOA in derogation of Florida Law. For these reasons, we must reject the ILA and close the RLS.
2. As discussed in our phone conversation yesterday, we advise that the County should establish a standard form agreement with MSO and HOA's for traffic enforcement pursuant to Florida Statute 316.006, rather than responding to the various agreements submitted by HOAs. This Office will be happy to prepare such a form document, once we receive an RLS from you requesting that we do so. I have also discussed this approach with MSO's legal counsel, Eric Werbeck, whom I have copied on this response.

This concludes my response to the RLS. Please call me with any questions or concerns.

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