

Board of County Commissioners

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Pinellas County Board of County Commissioners - Work Session
315 Court Street, 5th Floor Assembly Room
Clearwater, Florida 33756
www.pinellascounty.org

9:30 AM

Tuesday, November 17, 2015

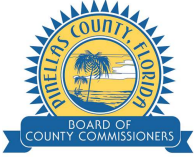
Agenda

1. Unincorporated (Municipal Services Taxing Unit): Overview and Discussion
2. Legislative Items

___ ___ ___ ___ ___ Order of items is subject to change. All times are approximate. Break may be taken. ___ ___ ___ ___ ___

Citizen's Comments Will Follow Presentation(s)

Any person wishing to speak regarding an agenda topic must complete a comment card and give to the agenda staff at the staff table. The Chairman will call the speakers, one by one, to the podium to be heard. Each speaker may speak up to three minutes. Persons who have been authorized to represent a group of four or more individuals, who are present, should complete a comment card and may speak up to 10 minutes.



Pinellas County

315 Court Street, 5th Floor
Assembly Room
Clearwater, Florida 33756

Staff Report

File #: 15-807, **Version:** 1

Agenda Date: 11/17/2015

Subject:

Unincorporated (Municipal Services Taxing Unit): Overview and Discussion

Summary:

The unincorporated area encompasses nearly 30% of Pinellas County's population. This presentation will provide a high level overview of the unincorporated area, current services provided and horizon issues.

I.) Groundwork

What is the MSTU?

Base map of unincorporated area with neighborhood names and population densities

Demonstration of "My Community" website

II.) Redevelopment

Community Redevelopment

Dissolution of homeowners associations

Neighborhood Code Enforcement

III.) Quality of Life

Partners and County Properties

Recreation

- Comparison of recreation resources in target areas and municipalities
- Status update on agreements with the Seminole recreation groups for FY16
- Discussion of policy for future taxing districts for recreation

Garbage collection contracts: Lealman update and process for other interested areas

IV.) Infrastructure

Paving Program

- Pavement Preservation Program
- MSTU Roadway program
- Other Roads

V.) Discussion of the use of the \$220,000 budgeted for MSTU initiatives

Staff Member Responsible:

Cecilia McCorkell, Office of Management and Budget

Gordon Beardslee, Planning

Alexis Sergeant, County Administration

Mary Scott Hardwick, County Administration

Renea Vincent, Planning
Todd Myers, Code Enforcement
Andrew Pupke, Real Estate Management
Paul Cozzie, Parks and Conservation Resources
Kelsi Oswald, Solid Waste
Troy Tinch, Public Works

Partners:

The unincorporated community



Doing Things!

What is the MSTU?



What is the MSTU?

■ Pinellas County's Strategic Plan

- Goals and Strategies

Ensure Public Health, Safety, and Welfare

- 2.1** Provide planning, coordination, prevention, and protective services to ensure a safe and secure community
- 2.2** Be a facilitator, convener, and purchaser of services for those in need

Practice Superior Environmental Stewardship

- 3.3** Protect and improve the quality of our water, air, and other natural resources

Foster Continual Economic Growth and Vitality

- 4.1** Proactively attract and retain businesses with targeted jobs to the county and the region
- 4.2** Invest in communities that need the most
- 4.3** Catalyze redevelopment through planning and regulatory programs
- 4.4** Invest in infrastructure to meet current and future needs
- 4.5** Provide safe and effective transportation systems to support the efficient flow of motorists, commerce, and regional connectivity
- 4.6** Support a vibrant community with recreation, arts, and culture to attract residents and visitors

Deliver First Class Services to the Public and our Customers

- 5.1** Maximize partner relationships and public outreach
- 5.2** Be responsible stewards of the public's resources

Summary of the MSTU Budget

Program	Fund	FY15 Budget	FY16 Budget
Sheriff	General	36,670,850	39,010,630
Development Review Services	General	2,254,420	2,728,440
Environmental Code Enforcement	General	1,792,050	1,922,270
Planning	General	1,674,298	1,732,770
Economic Development - QTI	General	45,430	140,250
MSTU Paving Program	General*	650,000	650,000
MSTU Initiatives - Undesignated	General	0	220,000
Youth Sports	General	0	100,000
Lealman CRA	General	0	50,000
Tax Collector & Property Appraiser Fees	General & Surface Water	1,228,280	1,252,070
Surface Water	Surface Water	19,126,400	20,052,380
Building Permits	Building Services	5,211,390	5,559,720
Total		68,653,120	73,686,830

*Spent out of Capital Fund

Special Districts

District	Year Established	Millage Rate	FY16 Adopted Budget
East Lake Library	2013	.2500	\$662,600
East Lake Recreation	2014	.2500	\$661,040
Feather Sound Community Services	1990	.5000	\$316,430
Palm Harbor Community Services	1985	.5000	\$1,876,290
Pinellas Public Library Cooperative (PPLC)	1989	.5000	\$4,797,390
Lealman Solid Waste	2005	\$168/year *	\$1,575,330
*Non-ad valorem assessment			

Fire Protection Districts

District	Millage Rate	FY16 Adopted Budget
Belleair Bluffs	1.7320	\$1,580,720
Clearwater	3.2092	\$4,860,980
Dunedin	2.9222	\$1,430,470
Gandy	2.2977	\$220,210
High Point	2.6700	\$2,940,520
Largo	3.5609	\$3,622,450
Pinellas Park	3.0163	\$927,710
Safety Harbor	2.8118	\$435,050
Seminole	1.9581	\$7,352,940
South Pasadena	0.9137	\$501,000
Tarpon Springs	2.3745	\$788,060
Tierra Verde	1.9118	\$2,131,840

MSTU Revenue

- General Fund:
 - Ad Valorem Taxes: \$31.3 million
 - FY16 Millage rate = 2.0857 mills (same rate since FY08)
 - Revenues generated by MSTU activities and Other Sources- \$15.0 million
- Non-General Fund:
 - Building Permits - \$5.0 million
 - Surface Water Special Assessment - \$19.1 million

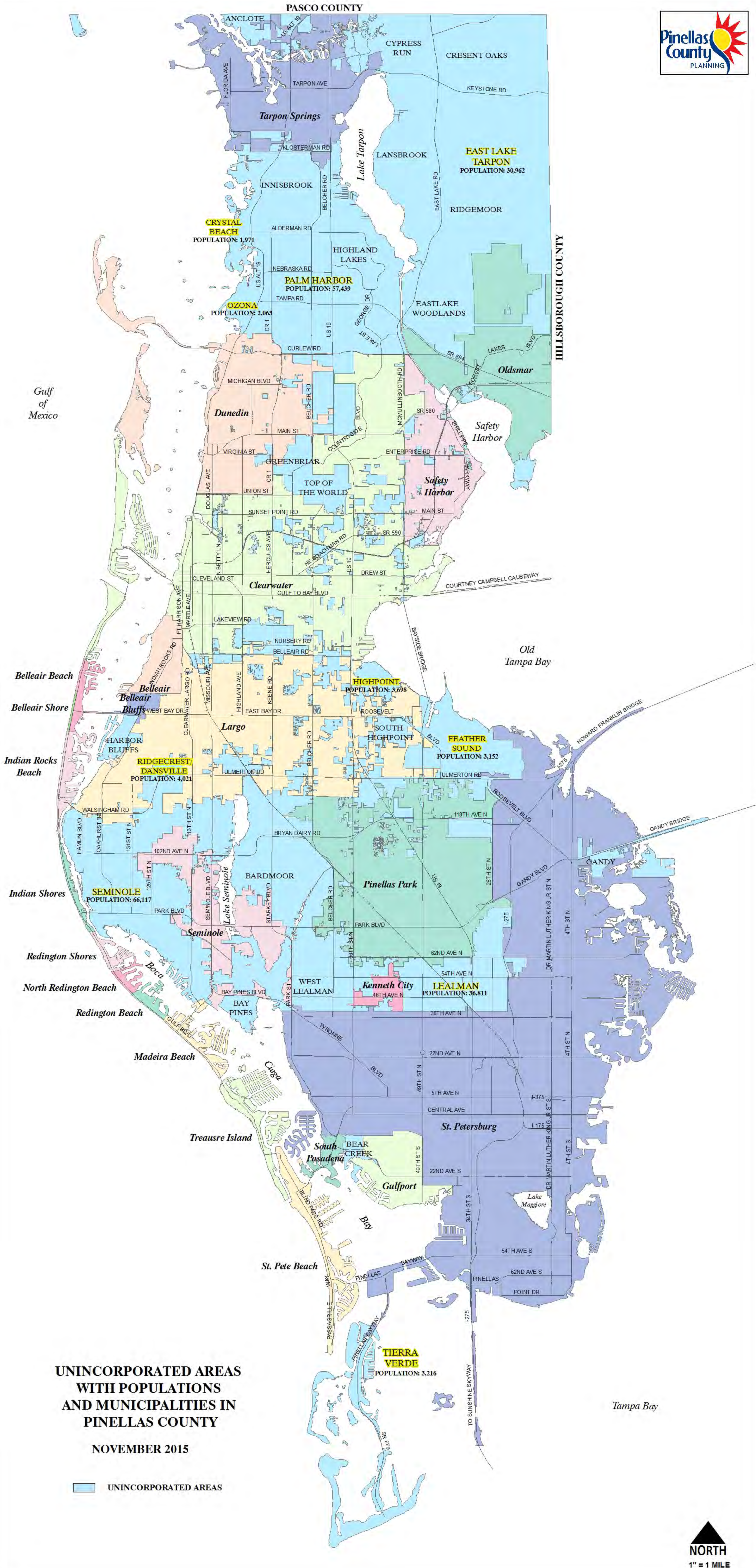
Factors to Consider with Comparison

- Comparing Between Unincorporated Area and Cities
 - Cities generate additional revenues such as franchise fees, utility taxes, and business license taxes
- Comparing Between Counties
 - Services
 - Each county varies in the services provided within the MSTU
 - Some services are funded by non- ad valorem assessments or special districts

Comparison of Counties

County	Number of Municipalities	% of Population in Unincorporated Area	MSTU Levy per Capita *
Broward	31	1%	\$113.66
Hillsborough	3	68%	\$205.31
Orange	13	64%	\$123.32
Pinellas	24	29%	\$115.18

*Based on the MSTU ad valorem for each county divided by the unincorporated population





Doing Things!

COMMUNITY REDEVELOPMENT



COMMUNITY REDEVELOPMENT

- Pinellas County's Strategic Plan

- Goals and Strategies

- Ensure Public Health, Safety, and Welfare**

- 2.1 Provide planning, coordination, prevention, and protective services to ensure a safe and secure community
 - 2.2 Be a facilitator, convener, and purchaser of services for those in need
 - 2.4 Support programs that seek to prevent and remedy the causes of homelessness and move individuals and families from homelessness to permanent housing
 - 2.5 Enhance pedestrian and bicycle safety

- Foster Continual Economic Growth and Vitality**

- 4.2 Invest in communities that need the most
 - 4.3 Catalyze redevelopment through planning and regulatory programs
 - 4.4 Invest in infrastructure to meet current and future needs
 - 4.6 Support a vibrant community with recreation, arts, and culture to attract residents and visitors

- Deliver First Class Services to the Public and Our Customers**

- 5.1 Maximize partner relationships and public outreach
 - 5.2 Be responsible stewards of the public's resources
 - 5.3 Ensure effective and efficient delivery of county services and support
 - 5.4 Strive to exceed customer expectations

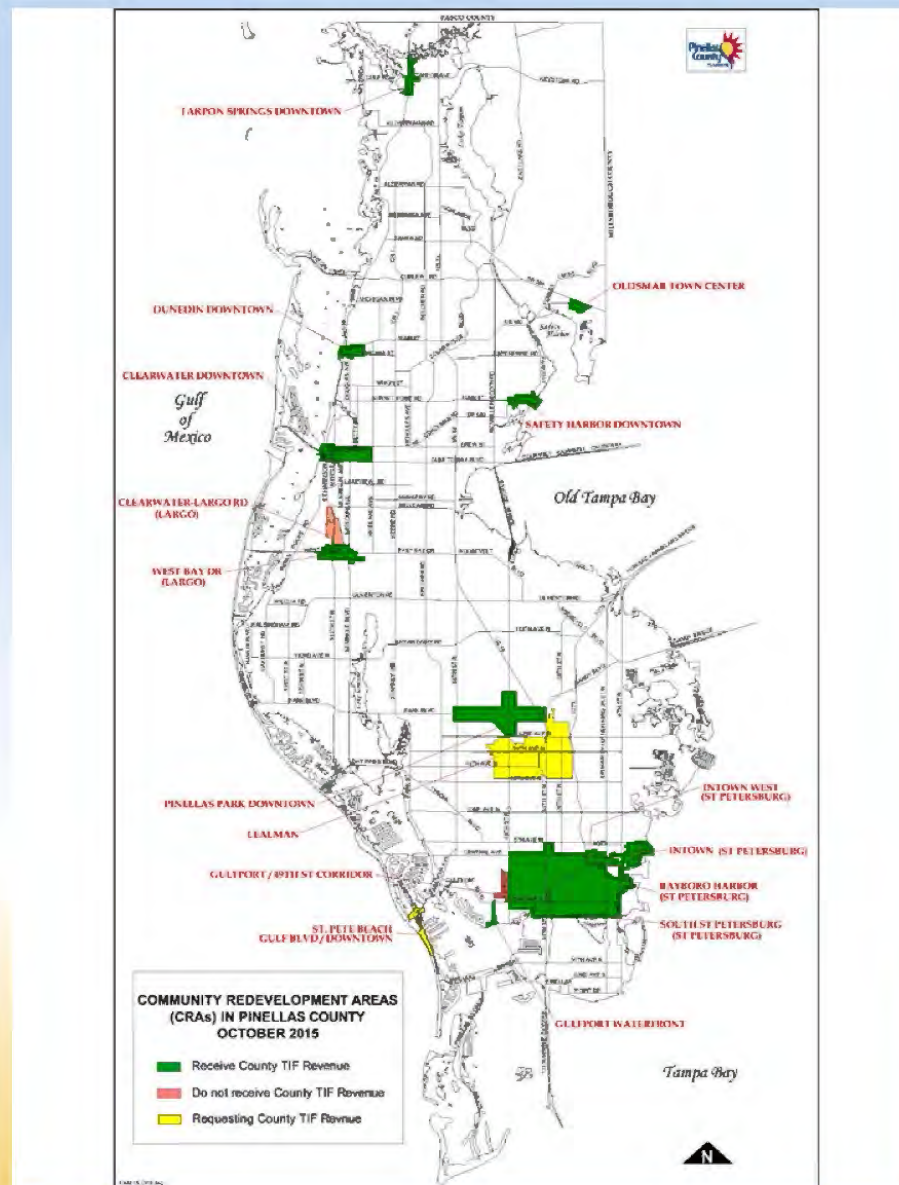
Municipal Community Redevelopment Areas

Community Redevelopment Districts Receiving County Tax Increments	Duration of County Tax Increment Contributions to Respective Redevelopment Trust Funds (From Year of Redevelopment Trust Fund Ordinance)												Cumulative County Tax Increment Payments from Initiation through FY2015
	1 9 8 2	1 9 9 0	2 0 0 0	2 0 0 1	2 0 0 5	2 0 0 2	2 0 0 3	2 0 0 5	2 0 0 3	2 0 0 5	2 0 0 4	2 0 0 5	
Clearwater Downtown	1982 (Original District) (Extension per Ord. 04-10 * 2034												\$14,481,360
	2004 (Expanded Area of Distri * 2034												
Dunedin Downtown	1988 (Ext. Per Ord. 12-* 2033												\$3,713,092
Gulfport Waterfront	1993 2023												\$1,574,152
Largo West Bay Drive	2000 * 2030												\$4,279,594
Oldsmar Town Center	1996 2026												\$2,809,872
Pinellas Park Downtown	1990 1998 (Base year re-established) 2020												\$11,811,822
Safety Harbor Downtown	1992 2022												\$2,657,572
St. Petersburg Bayboro Harbor	1988 2018												\$61,037,711
St. Petersburg Intown	1982 (Extension per Ord. 05-25) * 2032												
St. Petersburg Intown West	1991 2021												
St. Petersburg South St. Pete	2015 * 2045												\$0
Tarpon Springs Downtown	2001 2031												\$2,025,851
TOTAL												\$104,391,026	

Note: * Year of Periodic Evaluation of CRA Plan and Tax Increment Expenditures

Source: Pinellas County Office of Management and Budget, October 2015

Pinellas County Planning Department, October 2015



LEALMAN COMMUNITY REDEVELOPMENT AREA (CRA)

- ADVISORY COMMITTEE APPOINTED
 - MEETING 1ST & 3RD MONDAY OF EACH MONTH
 - PROVIDING INPUT TO REDEVELOPMENT PLAN
 - ESTABLISH THE REDEVELOPMENT TRUST FUND IN MAY-JUNE 2016
 - 30-YEAR BLUE PRINT
- \$50,000 TO SUPPORT PLAN AND OTHER ACTIVITIES
- CONCURRENT ESTABLISHMENT OF A NEIGHBORHOOD REVITALIZATION STRATEGY AREA (NRSA)

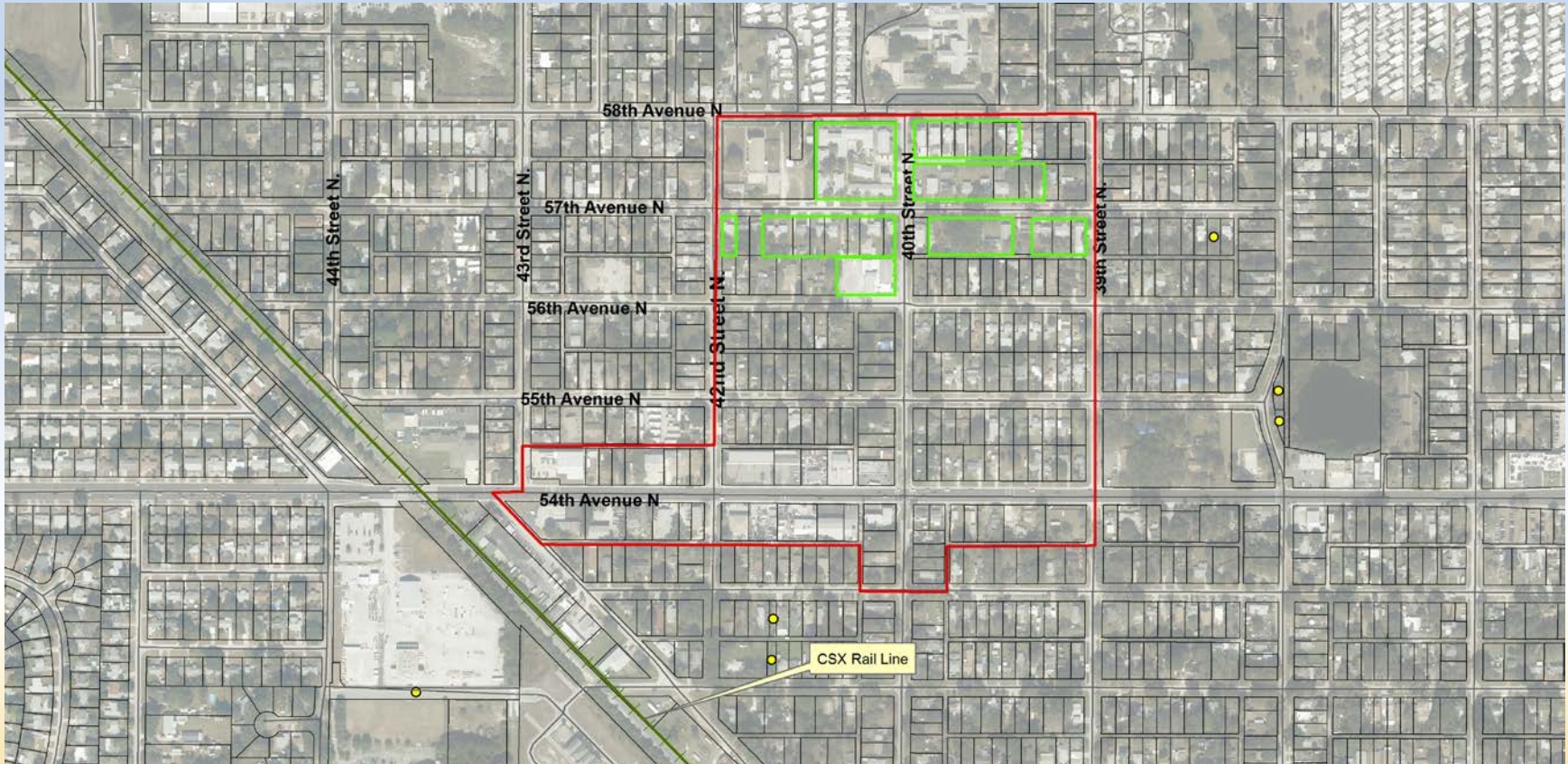
LEALMAN INVESTMENTS

- LEALMAN ADOPT A BLOCK
 - STAFF CONTINUE TO SUPPORT WEEKLY EVENTS
 - ACT AS A CONDUIT TO AVAILABLE COUNTY SERVICE PROVIDERS
 - PERFORM OUTREACH TO MATCH CITIZEN NEEDS WITH AVAILABLE, QUALIFYING PROGRAMS
- LEALMAN CDBG PROJECTS
 - JOE'S CREEK PARK ENGINEERING/DESIGN/SPACE PLANNING FOR RECREATIONAL PROGRAMMING, ACTIVITY FIELDS, BIKE/PED FEASIBILITY STUDY
 - POLICE ATHLETIC LEAGUE FACILITY REHABILITATION
- LEALMAN SIDEWALK IMPROVEMENT PROJECT
 - 4 NEW SIDEWALK SEGMENTS
 - 38TH STREET NORTH (40TH AVE. N. TO 46TH AVE. N.)
 - 42ND STREET NORTH (55TH AVE. N. TO 58TH AVE. N.)
 - 44TH STREET NORTH (42ND AVE. N. TO 46TH AVE. N.)
 - 56TH AVENUE NORTH (42ND ST. N. TO 43RD ST. N.)
 - CONSTRUCTION ESTIMATED TO BEGIN JAN/FEB 2016

LEALMAN LAND ASSEMBLY

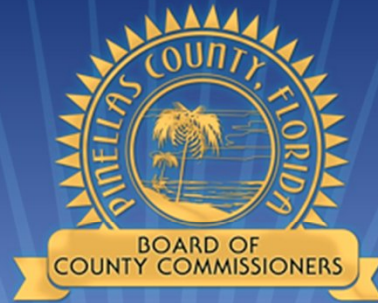
- 7.74 ACRES UNDER CONTRACT
 - 55 RESIDENTIAL UNITS (SINGLE FAMILY & MULTI-FAMILY)
 - COMMUNITY RELATED & ADMINISTRATIVE BUILDINGS
 - OLD FIRE STATION
- CREATIVE USE OF LAND ASSEMBLY FUNDS TO PREVENT DE-STABILIZATION
 - UNITS WILL CONTINUE TO BE UTILIZED FOR RESIDENTIAL PURPOSES; EVENTUAL REDEVELOPMENT TO INCREASE UNITS
 - FUTURE REDEVELOPMENT OF FIRE STATION AND OTHER NON-RESIDENTIAL BUILDINGS FOR RESIDENTIAL USES
 - INTERIM USES TO PROVIDE DIRECT COMMUNITY SUPPORT
- THIS PROPERTY AND SURROUNDING AREA VIEWED AS A “LIVING LABORATORY” TO INTRODUCE INNOVATION

LEALMAN “INNOVATION” AREA



DANSVILLE & RIDGECREST INVESTMENTS

- DANSVILLE NEIGHBORHOOD REVITALIZATION STRATEGY AREA
 - 60 COUNTY-OWNED LOTS WILL BE MADE AVAILABLE FOR RESIDENTIAL DEVELOPMENT
 - DANSVILLE STREET LIGHTING DISTRICT
- RIDGECREST / DANSVILLE CDBG PROJECTS
 - GREATER RIDGECREST AREA / DANSVILLE MASTER PLAN
 - OMNI CENTER RECREATIONAL PROGRAMMING & REHAB
 - GREATER RIDGECREST AREA CLEAN-UP
 - PINELLAS COUNTY URBAN YOUNG LIFE FACILITY REHAB



Doing Things!

**NEIGHBORHOOD
CODE ENFORCEMENT**





Neighborhood Code Enforcement Program

- Pinellas County's Strategic Plan

- Goals and Strategies

- Ensure Public Health, Safety, and Welfare

- 2.1 Provide planning, coordination, prevention, and protective services to ensure a safe and secure community.

- Foster Continual Economic Growth and Vitality

- 4.2 Invest in communities that need the most



Pinellas County Code Enforcement Task Force

- In May of 2003, the Board directed staff to conduct a review of Code Enforcement.
- The Board created a Citizen Task Force in 2003.
- The Task Force met on September 2003 through February 2004.
- The Task Force review included:
 - * NOISE
 - * LOT MOWING
 - * TRASH AND DEBRIS
 - * INOPERABLE MOTOR VEHICLES
 - * COMMERCIAL VEHICLES
 - * HOUSING
 - * ZONING
 - * Other recommendations to Improve Neighborhood Appearance and Value
- 25 recommendations, 17 approved and various codes amended.



Implemented

- Rename and redefine the "Commercial Vehicle Code" to the "Prohibited Vehicle and Equipment Code" to include all vehicles over 21 feet in length.
- Reduce compliance time for repeat violators of the Lot Mowing Code from 10 days to 3 days.
- Allow utility sheds to remain in setbacks without requiring a variance, provided it is in good repair and has been in place 7 years or more.
- Update code publications to reflect revisions and proactively distribute.

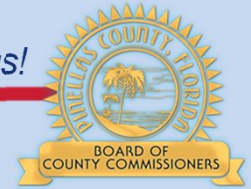


Not Implemented

- Require all long-term, residential, rental housing to be licensed.
- Prohibit parking RV's within front yard setbacks and require them to be parked on a manufactured-type surface.
- Institute a franchise waste collection system for the unincorporated County.
- Require all new sheds in residential areas be placed on a non-biodegradable, manufactured floor.
- Reduce the noise level in neighborhoods on Sunday through Thursday nights.
- Reconvene a Code Enforcement Task Force a minimum of every five years.

Proposed Parking Ordinance

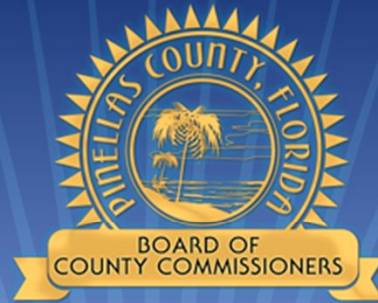
- Prohibit parking RV's within front yard setbacks and require RV's to be parked on a manufactured-type surface.
- Require boats parked in residential zones to meet the same restrictions as RV's.
- Provide for towing of inoperable vehicles from private property.
- The parking of RV's, boats, and vehicles in residential properties generated enough community input that three additional meetings were held.



VOICE YOUR CHOICE

Proposed Parking Ordinance

Date & Location	Keep Existing Code # of Responses	Adopt Proposed Code # of Responses	Less Restrictive Proposed Code # of Responses	More Restrictive Proposed Code # of Responses	Total # of Responses
3/02/05 Palm Harbor University H.S.	434 (80 %)	65 (12%)	16 (3%)	27 (5%)	542
3/3/05 Osceola H.S.	153 (71%)	29 (13%)	7 (3%)	27 (13%)	216
3/10/05 Dixie Hollins H.S.	199 (81%)	34 (14%)	10 (4%)	3 (1%)	246
Emails/letters	41	31	4	10	86
TOTAL	827 (77%)	159 (15%)	37 (3%)	67 (6%)	1,090



Doing Things!

Partners and County Properties





CAPITAL AND OPERATING AGREEMENTS FOR COUNTY PROPERTIES

■ Pinellas County's Strategic Plan

- Goals and Strategies

Practice Superior Environmental Stewardship

3.2 Preserve and manage environmental lands, beaches, parks and historical assets

Foster Continual Economic Growth and Vitality

4.6 Support a vibrant community with recreation, arts, and culture to attract residents and visitors

Deliver First Class Services to the Public and Our Customers

5.1 Maximize partner relationships and public outreach

5.2 Be responsible stewards of the public's resources



CAPITAL AND OPERATING AGREEMENTS FOR COUNTY PROPERTIES

FACILITY	PARTNER	AGREEMENT	YEAR	RESPONSIBILITY		
				ROOF/ STRUCTURE	HVAC/MAJOR MECHANICAL	OPERATING COSTS
Palm Harbor Library	PHCSA	No Agreement	N/A	Partner	Partner	Partner
East Lake Community Library	PHCSA	Lease	1999	Partner	Partner	Partner
Greater Ridgecrest YMCA	YMCA	Lease	2000	Partner	Partner	Partner
Palm Harbor Community Center	PHCSA	Lease	2005	Partner	Partner	Partner
Tierra Verde Fire Station	Lealman Special Fire Control District	Lease	2009	Partner	Partner	Partner
Palm Harbor Historical Society Museum	Palm Harbor Historical Society	Lease	2014	County	County	Partner
Palm Harbor White Chapel	PHCSA	License	2014	County	County	Partner
Palm Harbor Harbor Hall	PHCSA	License	2014	County	County	Partner



Doing Things!

Recreation





Recreation

■ Pinellas County's Strategic Plan

- Goals and Strategies

- Ensure Public Health, Safety and Welfare

- 2.2 Be a facilitator, convener, and purchaser of services for those in need

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- 5.3 Ensure effective and efficient delivery of county services and support



Background Information

- Recreation MSTU implemented in FY2003 to FY2007
 - Annual budget \$2M
 - Staff overhead 8%
 - Grants-In-Aid
 - \$6.6M disbursed to 30 entities for capital improvements and operational assistance
 - Recreation Reimbursements
 - Differential between resident and non-resident rates
 - \$1.7M disbursed to 21,000 participants in 13,402 households
 - Ceased in FY2008
 - Created unintended consequences



Background Information

- August 2014 - East Lake Youth Sports Association (ELYSA) requested dedicated funding source
- FY15 Budget - BCC approved quarter mill levy for ELYSA
- FY16 Budget - \$100,000 in operational assistance to three unincorporated Seminole youth sports organizations (YSO)
- Unincorporated Seminole youth sports organizations seek property tax levy



Facility Inventory

■ Methodology

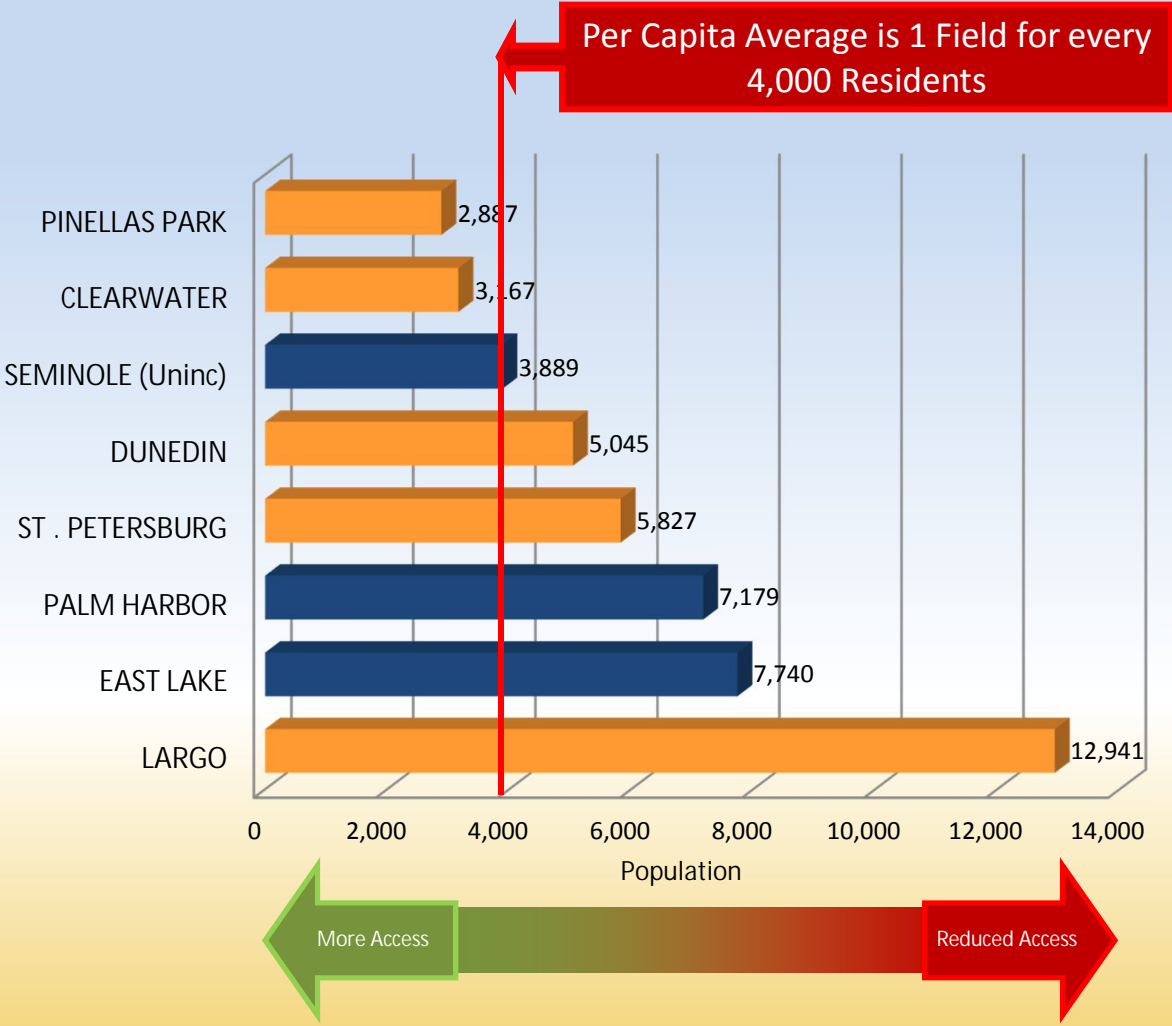
- Six unincorporated target communities and six municipalities selected for comparative purposes
- East Lake, High Point, Lealman (east and west), Palm Harbor, Ridgecrest, and unincorporated Seminole (east and west), represent 75% of the unincorporated population
- Clearwater, Dunedin, Largo, Pinellas Park, Seminole and St. Petersburg represent 80% of the incorporated population
- Per Capita analysis

Facility Inventory

Community	Ball Fields	Multi Purpose	Outdoor Basketball	Swimming	Tennis
EASTLAKE	4	5	0	1	6
HIGH POINT	0	0	0	1	0
LEALMAN	0	1	1	0	0
PALM HARBOR	8	6	0	1	2
RIDGECREST	0	3	0	1	0
SEMINOLE (Uninc)	17	6	0	0	0
Totals	29	21	1	4	8
CLEARWATER	34	18	22	4	49
DUNEDIN	7	8	12	1	11
LARGO	6	4	8	2	12
PINELLAS PARK	17	13	13	1	7
SEMINOLE	0	2	3	1	4
ST PETERSBURG	42	33	30	9	66
Totals	106	78	88	18	149



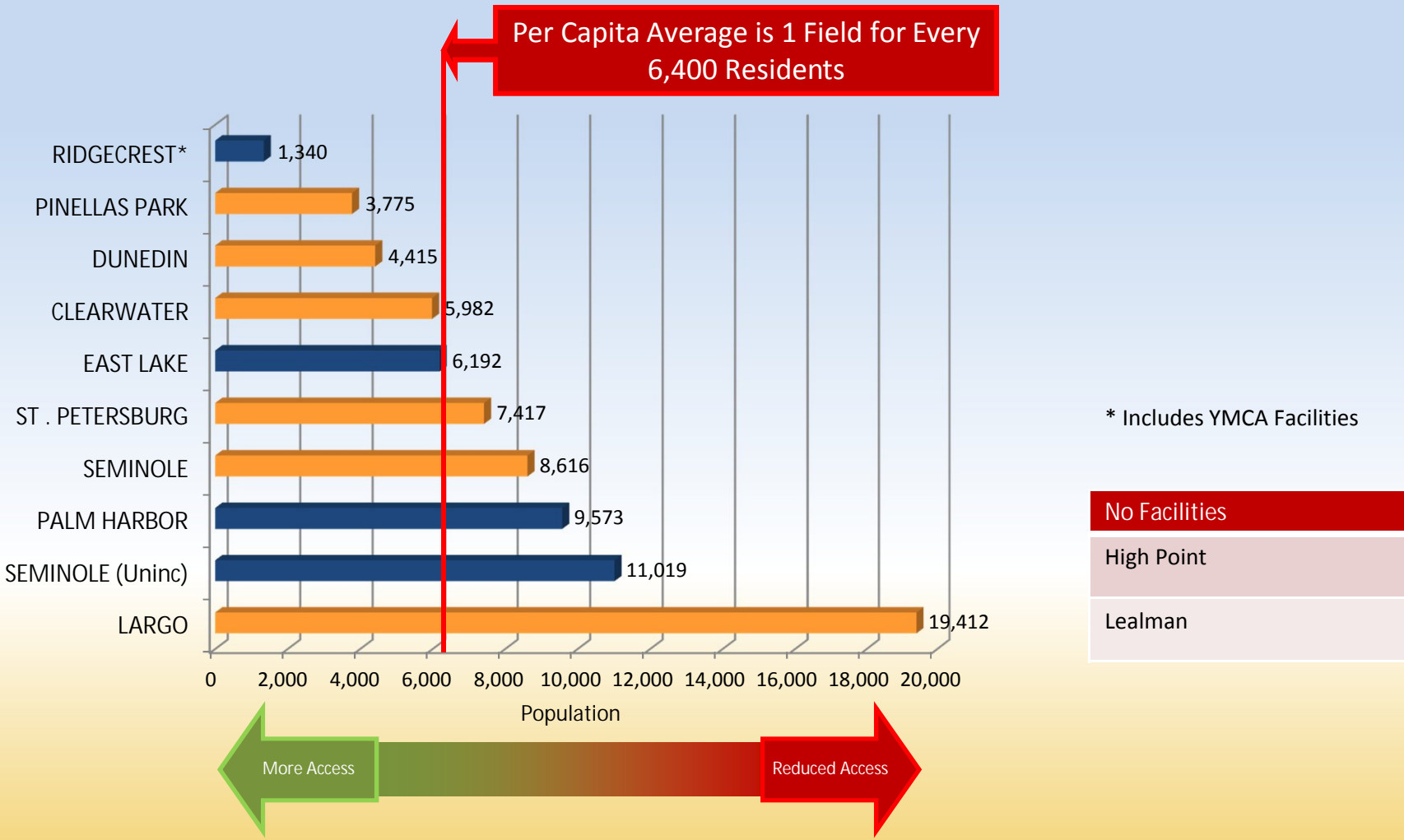
Ball Fields Per Capita



No Facilities
High Point
Lealman
Ridgecrest
City of Seminole

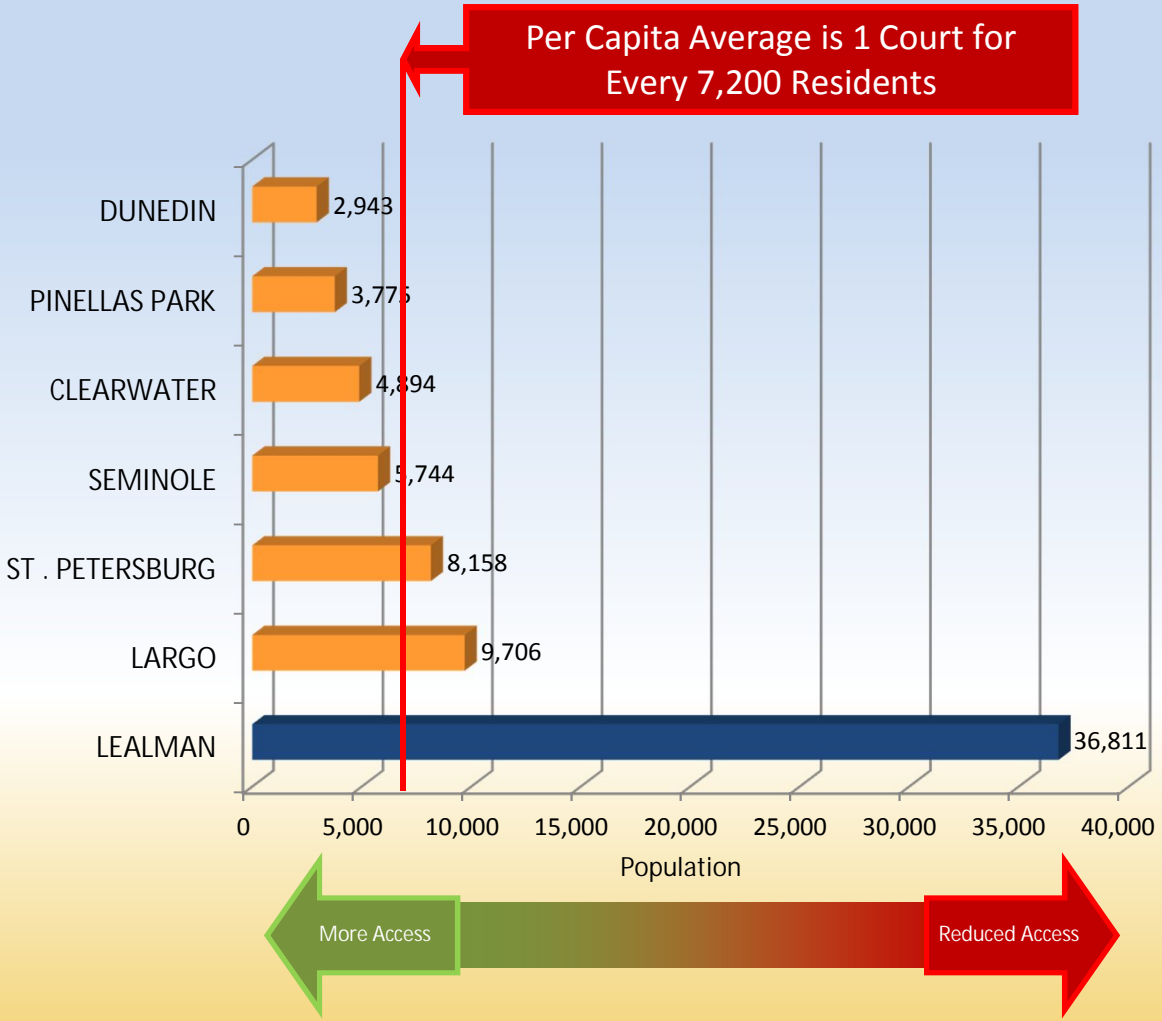


Multi Purpose Fields Per Capita

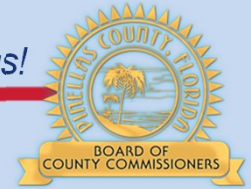




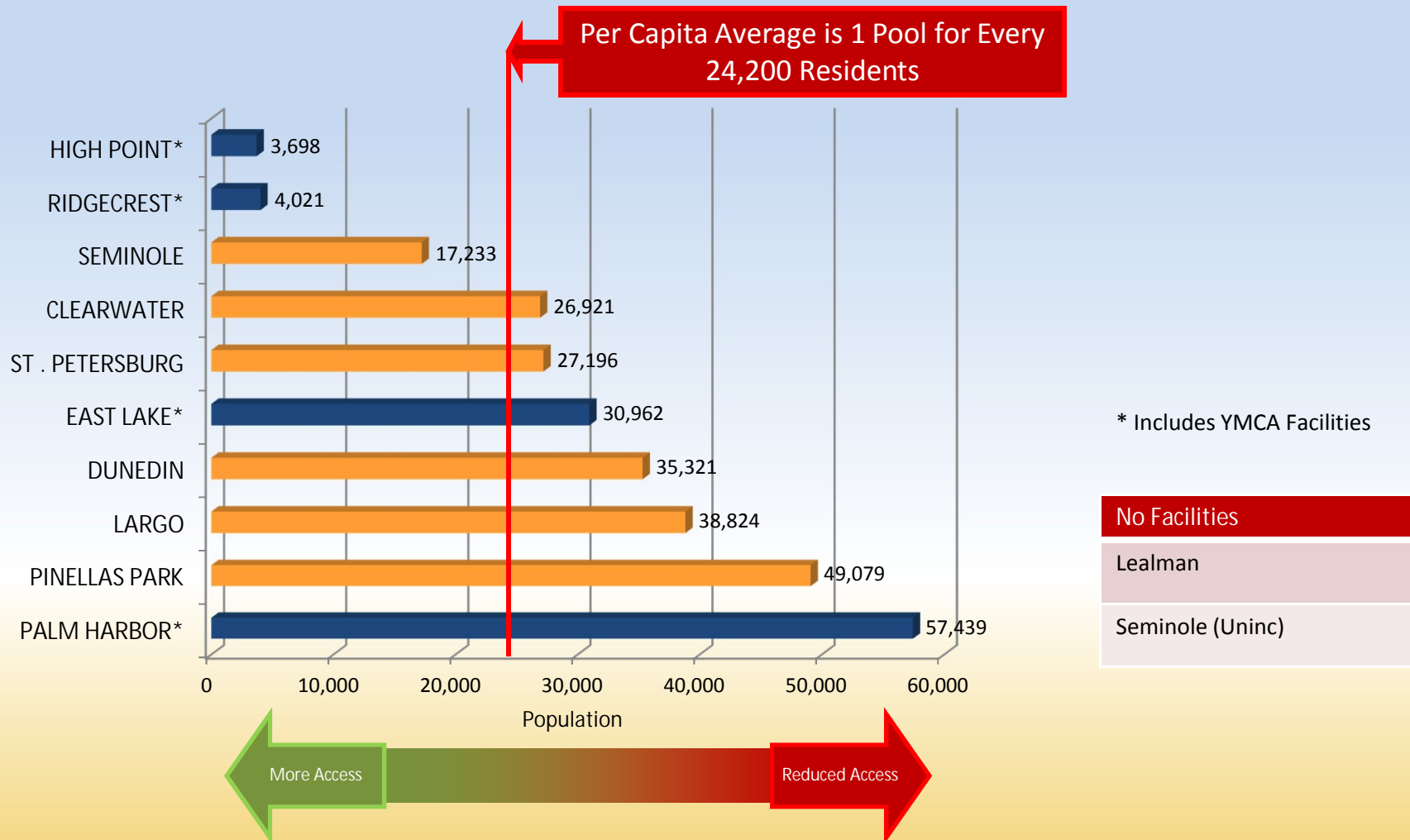
Outdoor Basketball Courts Per Capita



No Facilities
East Lake
High Point
Palm Harbor
Ridgecrest
Seminole (Uninc)

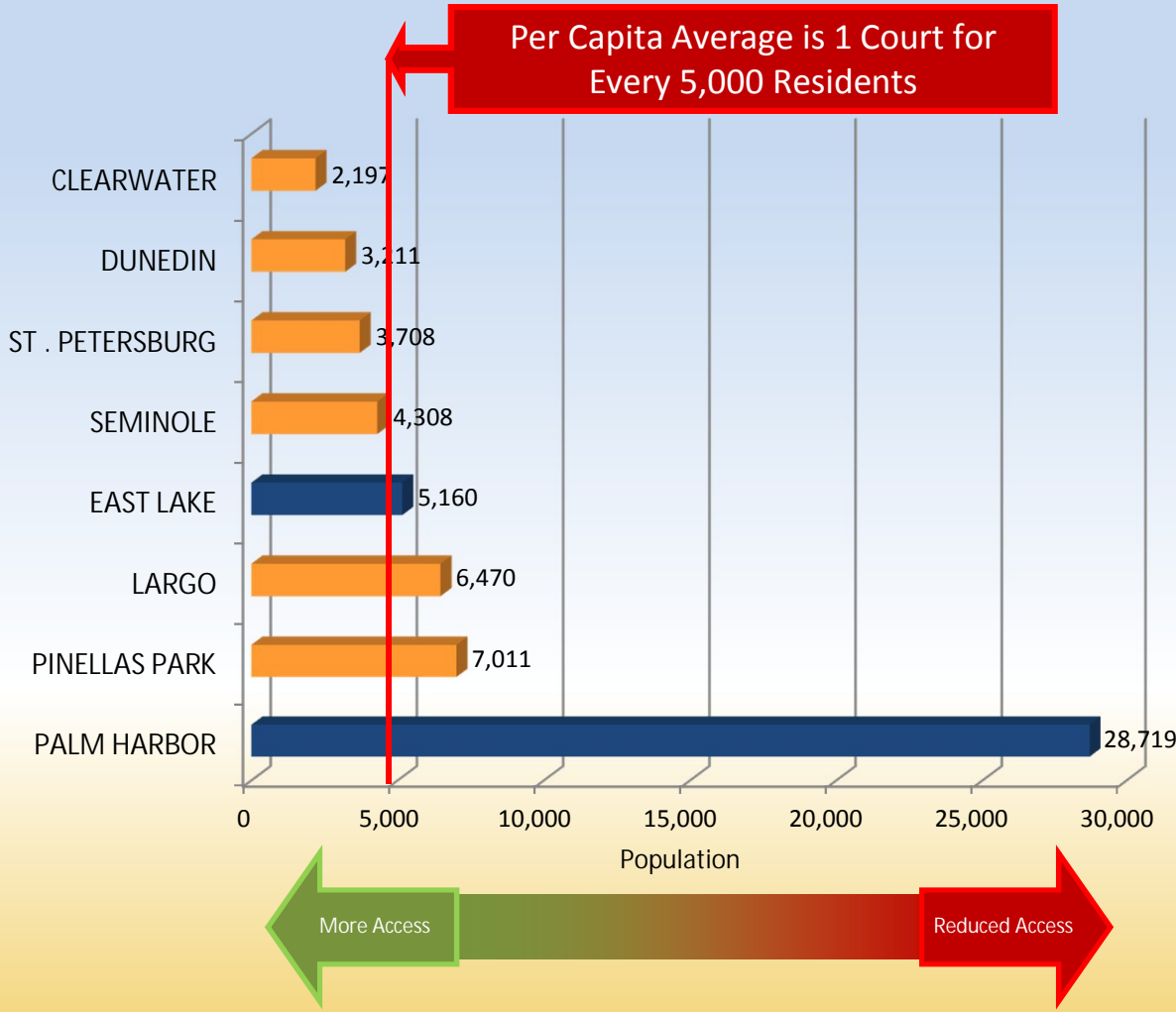


Swimming Pool Per Capita





Tennis Courts Per Capita



No Facilities
High Point
Lealman
Ridgecrest
Seminole (Uninc)



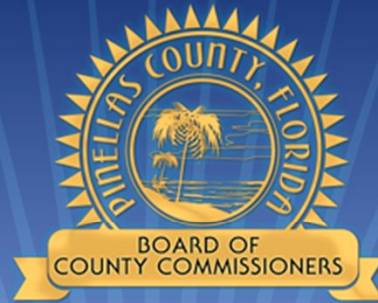
Findings

- High Point and Lealman Communities - least access to recreation facilities
- Overall, significant lack of hard courts
- West Seminole - much better recreational access than east
- Overall, Palm Harbor, East Lake and unincorporated Seminole have better access and future development opportunities
- Partnerships with non-profits and Pinellas County Schools are recreation opportunities
- Cities generally have more recreation amenities, with associated staffing and operational costs



Challenges and Opportunities

- Defining the Standard – How many and where?
- Additional Recurring Costs
- Partnerships
 - County-owned or licensed facilities
 - Schools and Non-profits (i.e. YMCA)
 - Youth athletic organizations
- County Role



Doing Things!

**Lealman Curbside Garbage Collection
Municipal Services Benefit Unit (MSBU)**



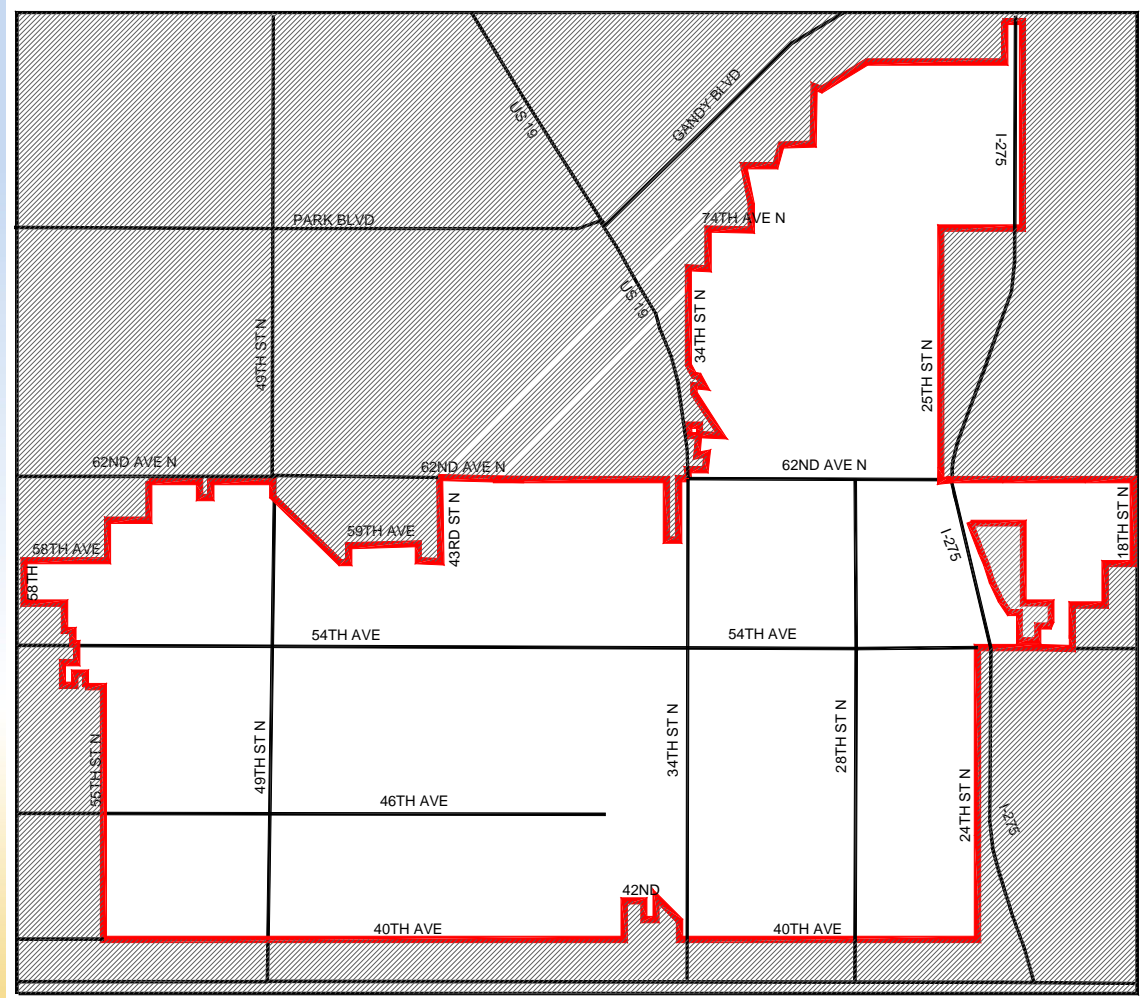


Solid Waste MSBU

- Pinellas County Strategic Plan Alignment
 - Practice Superior Environmental Stewardship
 - 3.1 Implement green technologies and practices where practical
 - 3.4 Reduce/reuse/recycle resources including energy, water, and solid waste
 - Foster Continual Economic Growth and Vitality
 - 4.3 Catalyze redevelopment through planning and regulatory programs
 - Deliver First Class Services to the Public and Our Customers
 - 5.1 Maximize partner relationships and public outreach
 - 5.3 Ensure effective and efficient delivery of county services and support
 - 5.4 Strive to exceed customer expectations

Lealman Solid Waste MSBU

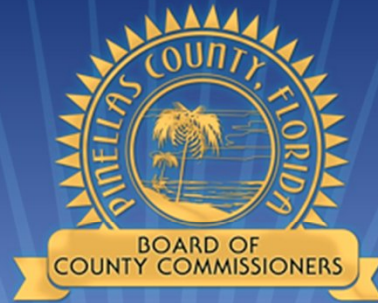
- Public Hearing
December 2003
- Collection Began
January 2007





Solid Waste MSBU Process

- Community request for assistance
- Define the Service Area
- Public Hearing to comply with the Unfair Competition Act
 - Three years notice or 51% approval
- Establish the MSBU
- Contract for collection service
- Determine the assessment amount



Doing Things!

Paving Program





Paving Program

■ Pinellas County's Strategic Plan

- Goals and Strategies

- Ensure Public Health, Safety, and Welfare

- 2.1 Provide planning, coordination, prevention, and protective services to ensure a safe and secure community

- 2.5 Enhance pedestrian and bicycle safety

- Practice Superior Environmental Stewardship

- 3.1 Implement green technologies and policies where practical

- Foster Continual Economic Growth and Vitality

- 4.2 Invest in communities that need the most

- 4.4 Invest in infrastructure to meet current and future needs

- 4.5 Provide safe and effective transportation systems to support the efficient flow of motorists, commerce, and regional connectivity

- Deliver First Class Services to the Public and Our Customers

- 5.2 Be responsible stewards of the public's resources

- 5.3 Ensure effective and efficient delivery of county services and support



Pavement Preservation Program

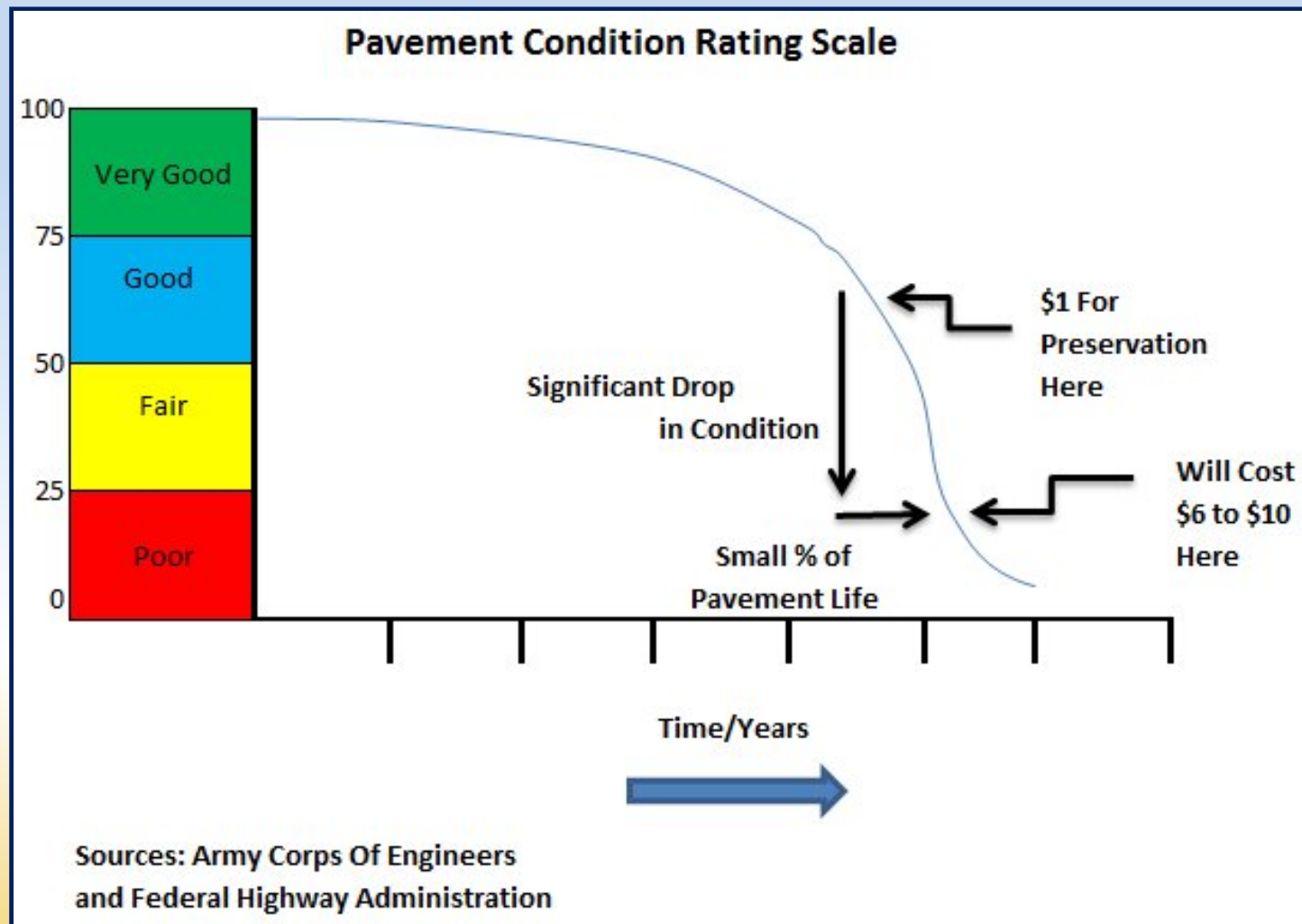
- Includes All Paved Roads Countywide Maintained by Pinellas County
 - Arterials
 - Collectors
 - Local Roads
- 1,097 Centerline Miles
- Pavement Condition Index (PCI) – Every 3 Years
- PCI Range is Between 0 and 100
- Goal is a Countywide PCI of 70

Countywide Pavement Preservation Program

- Funding:
 - FY05-06 \$1.3M
 - FY07-09 \$2.0M
 - FY10 \$3.0M
 - FY11 \$8.5M
 - FY12 \$5.5M
 - FY13 \$6.5M
 - FY14-17 \$7M
 - FY18 \$5.7M
 - FY19 \$4M

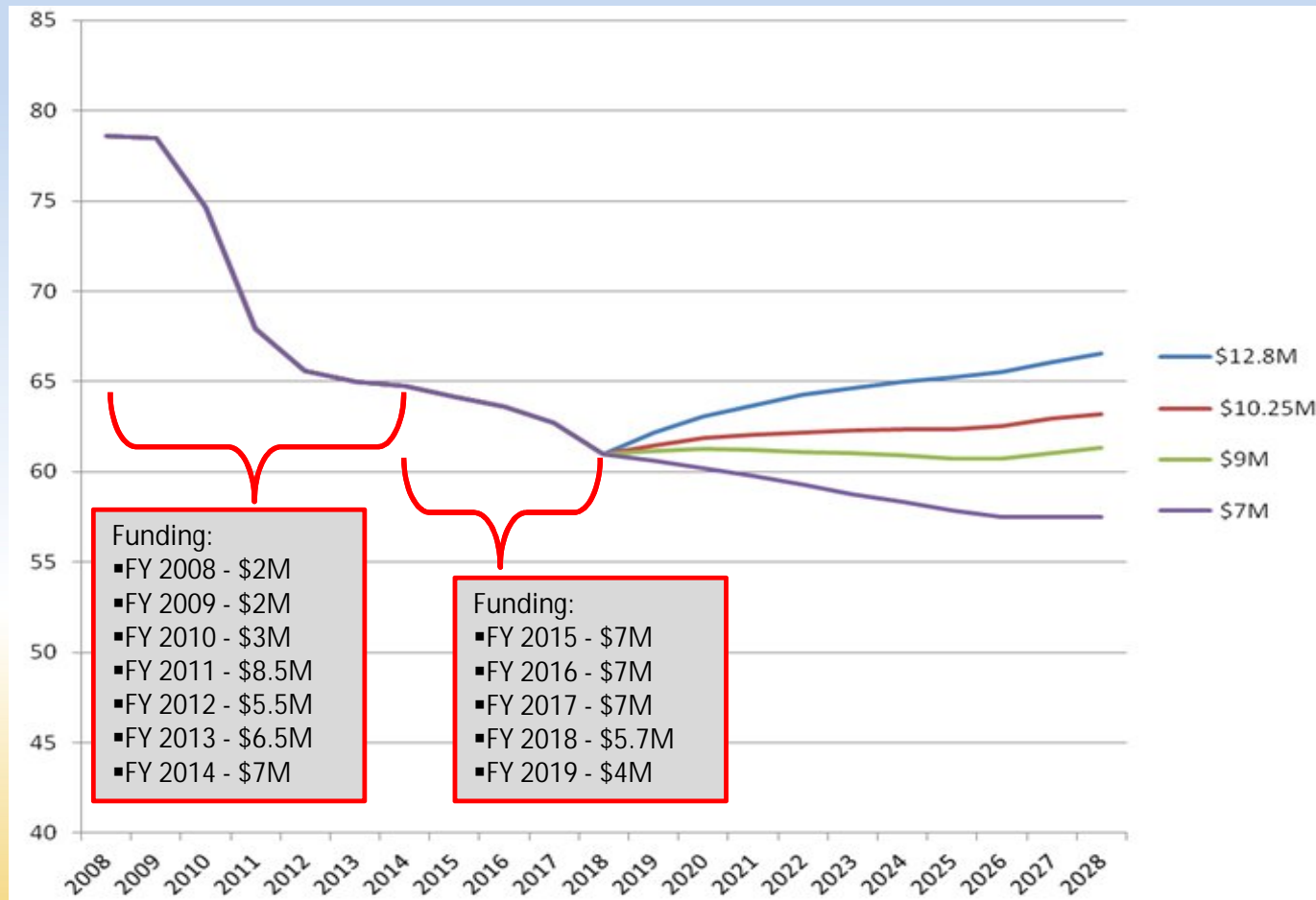
Includes ADA prep work and paving

Pavement Preservation Program



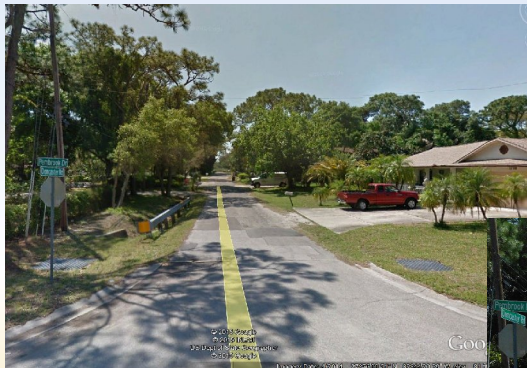
Pavement Preservation Program

Funding Impact on PCI



MSTU Paving Program

- History of Funding
 - Established in 2004
 - Suspended in 2010
 - Re-Established in 2014



Municipal Services Taxing Unit (MSTU) Roadway Program

- Funding:
 - FY05 \$1.2M
 - FY06 \$750K
 - FY07 \$1.5M
 - FY08 \$1.1M
 - FY09 \$1.1M
 - FY10-14 **Suspended**
 - FY14 \$650k
 - FY15 \$650k



MSTU Paving Program

- Roadway Categories
 - Category I: Minimal Engineering or Prep Work. 100% Completed.
 - Category II: Requires Widening, Engineering, Prep Work, and Permitting. 30% Completed.
 - 12.8 Centerline Miles (132 Segments)
 - \$943k per Centerline Mile
 - Category III: Requires Extensive Engineering, Permitting, Utility Coordination, and Possible ROW. 0% Completed.
 - 9.2 Centerline Miles (82 Segments)
 - \$2.9M per Centerline Mile
 - Other: Requires Extensive Engineering, Permitting, Utility Coordination, and Possible ROW. 0% Completed
 - 9 Centerline Miles (76 Segments)
 - \$2.9M per Centerline Mile
- Total Cost to Complete Program: \$64.7M
- Time to Complete Program At Current Funding Level: 100 years



MSTU Paving Program

- Includes Chipped Asphalt Segments
- 22 Centerline Miles
- Do Not Meet County Standards

- Other (Not Funded/Not Programmed):
 - Shell Roads, Dirt Roads
 - 9 Centerline Miles



MSTU Paving Program

■ Current Prioritization Criteria with Proposed Changes*:

- Benefit
 - Number of Residences Served
 - Through Street Connection
 - Traffic Counts
 - Safety Impacts
 - Emergency Access/ Evacuation
- Road Condition:
 - Maintenance History
 - ~~Width~~
 - ~~Utility Conflicts~~
- Drainage:
 - Adequate Outfall
 - Ease of Design and Construction
 - Cost Factor
- Right-of Way
 - ~~Enclave / Potential Annexation~~

* Red Text denotes the proposed changes.
Proposed Criteria will include 'Other' Roads



Paving Program

- Next Steps...
 - Funding levels for Pavement Preservation and MSTU Paving Program
 - Incorporate the 'Other Roads' into Paving Program
 - Penny IV



Pinellas County

315 Court Street, 5th Floor
Assembly Room
Clearwater, Florida 33756

Staff Report

File #: 15-766, **Version:** 1

Agenda Date: 11/17/2015

Subject:

Legislative Items

Summary:

Discussion of proposed state legislation HB 163 and SB 300 Relating to Weapons and Firearms, and HB 147 and SB 386 Relating to Expunging and Sealing Criminal History Records of Minors and consideration of amendments to the 2016 State Legislative Program.

Staff Member Responsible:

Mary Scott Hardwick, Pinellas County Administration

Partners:

N/A

1 A bill to be entitled

2 An act relating to weapons and firearms; creating s.
3 776.00111, F.S.; providing for construction of
4 statutes that implicate the right to bear arms or
5 defend one's self; creating s. 790.0015, F.S.;
6 providing that a person or entity who infringes on
7 specified rights of an individual may be subject to
8 liability under specified provisions; providing an
9 exception; providing that certain persons and entities
10 have no immunity; amending s. 790.02, F.S.; specifying
11 that a law enforcement officer may arrest a person for
12 the unlicensed carrying of a concealed weapon only
13 upon probable cause that such a violation is being
14 committed; amending s. 790.053, F.S.; providing that a
15 person licensed to carry a concealed firearm or weapon
16 may also openly carry such firearm or weapon; amending
17 s. 790.25, F.S.; revising legislative findings
18 concerning the possession and carrying of weapons and
19 firearms; revising provisions concerning the
20 construction of provisions; providing an effective
21 date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Section 776.00111, Florida Statutes, is created
26 to read:

27 776.00111 Construction.—The judiciary shall employ strict
28 scrutiny in reviewing any statute that implicates the right to
29 bear arms or defend one's self pursuant to this chapter. The
30 right to bear arms or defend one's self is a fundamental and
31 individual right that exists in any place that a person has the
32 right to be, subject only to exceptionally and narrowly tailored
33 restrictions that employ the least possible restriction on the
34 right in order to achieve a compelling government interest.

35 Section 2. Section 790.0015, Florida Statutes, is created
36 to read:

37 790.0015 Infringement of rights; penalties.—Unless
38 probable cause exists to believe that a crime has been committed
39 by an individual, any person or entity infringing upon the
40 rights conferred on that individual by this chapter, chapter
41 776, s. 8, Art. I of the State Constitution, or the Second
42 Amendment to the United States Constitution is liable pursuant
43 to s. 790.33(3)(c), (d), (e), and (f). Notwithstanding any other
44 law, no immunity shall apply to persons or entities infringing
45 on such rights in violation of this section.

46 Section 3. Section 790.02, Florida Statutes, is amended to
47 read:

48 790.02 Officer to arrest without warrant and upon probable
49 cause.—The unlicensed carrying of a concealed weapon is declared
50 a breach of peace, and any officer authorized to make arrests
51 under the laws of this state may make arrests without warrant of
52 persons violating ~~the provisions of~~ s. 790.01 when said officer

53 | has ~~reasonable grounds or~~ probable cause to believe that the
54 | offense of unlicensed carrying of a concealed weapon is being
55 | committed.

56 | Section 4. Section 790.053, Florida Statutes, is amended
57 | to read:

58 | 790.053 Open carrying of weapons.—

59 | (1) A person licensed to carry a concealed firearm or
60 | weapon pursuant to this chapter may openly carry such firearm or
61 | weapon; however, except as otherwise provided by law and in
62 | subsection (2), it is unlawful for any other person to openly
63 | carry on or about his or her person a ~~any~~ firearm or electric
64 | weapon or device. ~~It is not a violation of this section for a~~
65 | ~~person licensed to carry a concealed firearm as provided in s.~~
66 | ~~790.06(1), and who is lawfully carrying a firearm in a concealed~~
67 | ~~manner, to briefly and openly display the firearm to the~~
68 | ~~ordinary sight of another person, unless the firearm is~~
69 | ~~intentionally displayed in an angry or threatening manner, not~~
70 | ~~in necessary self-defense.~~

71 | (2) A person may openly carry, for purposes of lawful
72 | self-defense:

73 | (a) A self-defense chemical spray.

74 | (b) A nonlethal stun gun or dart-firing stun gun or other
75 | nonlethal electric weapon or device that is designed solely for
76 | defensive purposes.

77 | (3) Any person violating this section commits a
78 | misdemeanor of the second degree, punishable as provided in s.

79 775.082 or s. 775.083.

80 Section 5. Subsections (1) and (4) of section 790.25,
81 Florida Statutes, are amended to read:

82 790.25 Lawful ownership, possession, and use of firearms
83 and other weapons.—

84 (1) DECLARATION OF POLICY.—The Legislature finds as a
85 matter of public policy and fact that the possession and
86 carrying of weapons and firearms by law-abiding individuals for
87 lawful purposes, including self-defense, enhances public safety
88 and that it is necessary to promote firearms safety and to curb
89 and prevent the use of firearms and other weapons in crime and
90 by incompetent persons without prohibiting the lawful use in
91 defense of life, home, and property, and the use by United
92 States or state military organizations, and as otherwise now
93 authorized by law, including the right to use and own firearms
94 for target practice and marksmanship on target practice ranges
95 or other lawful places, and lawful hunting and other lawful
96 purposes.

97 (4) CONSTRUCTION.—The judiciary shall construe this act in
98 conjunction with the right to bear arms or defend one's self as
99 provided in chapter 776. The right to bear arms or defend one's
100 self is a fundamental and individual right that exists in any
101 place that a person has the right to be, subject only to
102 exceptionally and narrowly tailored restrictions that employ the
103 least possible restriction on the right in order to achieve a
104 compelling government interest. This act shall be liberally

CS/HB 163

2016

105 construed to carry out the declaration of policy herein and in
106 favor of the constitutional right to keep and bear arms for
107 lawful purposes. This act is supplemental and additional to
108 existing rights to bear arms now guaranteed by law and decisions
109 of the courts of Florida, and nothing herein shall impair or
110 diminish any of such rights. This act shall supersede any law,
111 ordinance, or regulation in conflict herewith.

112 Section 6. This act shall take effect upon becoming a law.

By the Committee on Criminal Justice; and Senator Gaetz

591-00895-16

2016300c1

A bill to be entitled

An act relating to weapons and firearms; creating s. 776.00111, F.S.; providing for construction of statutes that implicate the right to bear arms or engage in self-defense; amending s. 790.02, F.S.; specifying that a law enforcement officer may arrest a person for the unlicensed carrying of a concealed weapon only upon probable cause that such a violation is being committed; amending s. 790.053, F.S.; providing that a person licensed to carry a concealed firearm or weapon may also openly carry such firearm or weapon as long as such person is in compliance with specified provisions; providing that a person or entity who infringes on specified rights of an individual may be subject to liability under specified provisions; providing an exception; providing that certain persons and entities have no immunity; amending s. 790.25, F.S.; revising legislative findings concerning the possession and carrying of weapons and firearms; revising provisions concerning the construction of provisions; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 776.00111, Florida Statutes, is created to read:

776.00111 Construction.—The judiciary shall employ strict scrutiny in reviewing any statute that implicates the right to

591-00895-16

2016300c1

30 bear arms or defend one's self pursuant to this chapter. The
31 right to bear arms is a fundamental and individual right that
32 exists in any place that a person has the right to be, subject
33 only to exceptionally and narrowly tailored restrictions that
34 employ the least possible restriction on the right in order to
35 achieve a compelling government interest.

36 Section 2. Section 790.02, Florida Statutes, is amended to
37 read:

38 790.02 Officer to arrest without warrant and upon probable
39 cause.—The unlicensed carrying of a concealed weapon is declared
40 a breach of peace, and any officer authorized to make arrests
41 under the laws of this state may make arrests without warrant of
42 persons violating ~~the provisions of~~ s. 790.01 when said officer
43 has ~~reasonable grounds or~~ probable cause to believe that the
44 offense of unlicensed carrying of a concealed weapon is being
45 committed.

46 Section 3. Section 790.053, Florida Statutes, is amended to
47 read:

48 790.053 Open carrying of weapons.—

49 (1) Subject to ss. 790.06 and 790.10, a person licensed to
50 carry a concealed firearm or weapon pursuant to this chapter may
51 openly carry such firearm or weapon; however, except as
52 otherwise provided by law and in subsection (2), it is unlawful
53 for any other person to openly carry on or about his or her
54 person a any firearm or electric weapon or device. ~~It is not a~~
55 ~~violation of this section for a person licensed to carry a~~
56 ~~concealed firearm as provided in s. 790.06(1), and who is~~
57 ~~lawfully carrying a firearm in a concealed manner, to briefly~~
58 ~~and openly display the firearm to the ordinary sight of another~~

591-00895-16

2016300c1

59 ~~person, unless the firearm is intentionally displayed in an~~
60 ~~angry or threatening manner, not in necessary self-defense.~~

61 (2) A person may openly carry, for purposes of lawful self-
62 defense:

63 (a) A self-defense chemical spray.

64 (b) A nonlethal stun gun or dart-firing stun gun or other
65 nonlethal electric weapon or device that is designed solely for
66 defensive purposes.

67 (3) Any person violating this section commits a misdemeanor
68 of the second degree, punishable as provided in s. 775.082 or s.
69 775.083.

70 (4) Unless probable cause exists to believe that a crime
71 has been committed by an individual, any person or entity
72 infringing upon the rights conferred on that individual by this
73 chapter, chapter 776, s. 8, Art. I of the State Constitution, or
74 the Second Amendment to the United States Constitution is liable
75 pursuant to s. 790.33(3)(c), (d), (e), and (f). Notwithstanding
76 any other law, no immunity shall apply to persons infringing on
77 such rights in violation of this subsection.

78 Section 4. Subsections (1) and (4) of section 790.25,
79 Florida Statutes, are amended to read:

80 790.25 Lawful ownership, possession, and use of firearms
81 and other weapons.—

82 (1) DECLARATION OF POLICY.—The Legislature finds as a
83 matter of public policy and fact that the possession and
84 carrying of weapons and firearms by law-abiding individuals for
85 lawful purposes, including self-defense, enhances public safety
86 and that it is necessary to promote firearms safety and to curb
87 and prevent the use of firearms and other weapons in crime and

591-00895-16

2016300c1

88 by incompetent persons without prohibiting the lawful use in
89 defense of life, home, and property, and the use by United
90 States or state military organizations, and as otherwise now
91 authorized by law, including the right to use and own firearms
92 for target practice and marksmanship on target practice ranges
93 or other lawful places, and lawful hunting and other lawful
94 purposes.

95 (4) CONSTRUCTION.—The judiciary shall construe this act in
96 conjunction with the right to bear arms or defend one's self as
97 provided in chapter 776. The right to bear arms and defend one's
98 self is a fundamental and individual right that exists in any
99 place that a person has the right to be, subject only to
100 exceptionally and narrowly tailored restrictions that employ the
101 least possible restriction on the right in order to achieve a
102 compelling government interest. This act shall be liberally
103 construed to carry out the declaration of policy herein and in
104 favor of the constitutional right to keep and bear arms for
105 lawful purposes. This act is supplemental and additional to
106 existing rights to bear arms now guaranteed by law and decisions
107 of the courts of Florida, and nothing herein shall impair or
108 diminish any of such rights. This act shall supersede any law,
109 ordinance, or regulation in conflict herewith.

110 Section 5. This act shall take effect upon becoming a law.

CS/HB 147

2016

1 A bill to be entitled

2 An act relating to expunging and sealing criminal
3 history records of minors; amending s. 943.0515, F.S.;
4 providing for the nonjudicial expunction of the
5 criminal history of an offense after a specified
6 period for a minor who is not a serious or habitual
7 juvenile offender; providing an exception for
8 specified minors to apply for expunction before
9 attaining 21 years of age; amending s. 943.0582, F.S.;
10 eliminating a deadline for submission of an
11 application by a minor for a prearrest or postarrest
12 diversion expunction; amending s. 790.23, F.S.;
13 conforming provisions to changes made by the act;
14 providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Paragraph (b) of subsection (1) of section
19 943.0515, Florida Statutes, is amended to read:

20 943.0515 Retention of criminal history records of minors.—

21 (1)

22 (b)1. If the minor is not classified as a serious or
23 habitual juvenile offender or committed to a juvenile
24 correctional facility or juvenile prison under chapter 985, the
25 program shall retain the minor's criminal history record for 2 ~~5~~
26 years after the date the minor reaches 19 years of age, at which

27 time the record shall be expunged unless it meets the criteria
28 of paragraph (2)(a) or paragraph (2)(b).

29 2. A minor described in subparagraph 1. may apply to the
30 department to have his or her criminal history record expunged
31 before the minor reaches 21 years of age. To be eligible for
32 expunction under this subparagraph, the minor must be 18 years
33 of age or older but less than 21 years of age and have not been
34 charged by the state attorney with or found to have committed a
35 criminal offense within the 5-year period before the application
36 date. The only offenses eligible for expunction under this
37 subparagraph are those that the minor committed before reaching
38 18 years of age. Expunction of a criminal history record under
39 this subparagraph requires the approval of the state attorney
40 for each circuit in which an offense specified in the criminal
41 history record occurred.

42 Section 2. Subsections (3) and (4) of section 943.0582,
43 Florida Statutes, are amended to read:

44 943.0582 Prearrest, postarrest, or teen court diversion
45 program expunction.—

46 (3) The department shall expunge the nonjudicial arrest
47 record of a minor who has successfully completed a prearrest or
48 postarrest diversion program if that minor:

49 (a) Submits an application for prearrest or postarrest
50 diversion expunction, on a form prescribed by the department,
51 signed by the minor's parent or legal guardian, or by the minor
52 if he or she has reached the age of majority at the time of

53 applying.

54 ~~(b) Submits the application for prearrest or postarrest~~
55 ~~diversion expunction no later than 12 months after completion of~~
56 ~~the diversion program.~~

57 (b)~~(e)~~ Submits to the department, with the application, an
58 official written statement from the state attorney for the
59 county in which the arrest occurred certifying that he or she
60 has successfully completed that county's prearrest or postarrest
61 diversion program, that his or her participation in the program
62 was based on an arrest for a nonviolent misdemeanor, and that he
63 or she has not otherwise been charged by the state attorney with
64 or found to have committed any criminal offense or comparable
65 ordinance violation.

66 (c)~~(d)~~ Participated in a prearrest or postarrest diversion
67 program that expressly authorizes or permits such expunction to
68 occur.

69 (d)~~(e)~~ Participated in a prearrest or postarrest diversion
70 program based on an arrest for a nonviolent misdemeanor that
71 would not qualify as an act of domestic violence as that term is
72 defined in s. 741.28.

73 (e)~~(f)~~ Has never, prior to filing the application for
74 expunction, been charged by the state attorney with or been
75 found to have committed any criminal offense or comparable
76 ordinance violation.

77 (4) The department may ~~is authorized to~~ charge a \$75
78 processing fee for each request received for prearrest or

79 postarrest diversion program expunction, for placement in the
80 Department of Law Enforcement Operating Trust Fund, unless such
81 fee is waived by the executive director.

82 Section 3. Subsection (2) of section 790.23, Florida
83 Statutes, is amended to read:

84 790.23 Felons and delinquents; possession of firearms,
85 ammunition, or electric weapons or devices unlawful.—

86 (2) This section does ~~shall~~ not apply to a person:

87 (a) Convicted of a felony whose civil rights and firearm
88 authority have been restored.

89 (b) Whose criminal history record has been expunged
90 pursuant to s. 943.0515(1) (b).

91 Section 4. This act shall take effect July 1, 2016.

By Senator Detert

28-00488-16

2016386__

A bill to be entitled
An act relating to expunction of records of minors;
amending s. 943.0515, F.S.; decreasing the period of
time that a minor's criminal history record must be
retained before expunction; amending s. 943.0582,
F.S.; deleting a limitation on the period of time
within which a minor must submit an application for
prearrest or postarrest diversion expunction to the
Department of Law Enforcement after successful
completion of the diversion program; reenacting s.
985.125(3), F.S., relating to prearrest and postarrest
diversion programs, to incorporate the amendment made
to s. 943.0582, F.S., in a reference thereto;
providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (b) of subsection (1) of section
943.0515, Florida Statutes, is amended to read:

943.0515 Retention of criminal history records of minors.—

(1)

(b) If the minor is not classified as a serious or habitual
juvenile offender or committed to a juvenile correctional
facility or juvenile prison under chapter 985, the program shall
retain the minor's criminal history record for 2 5 years after
the date the minor reaches 19 years of age, at which time the
record must ~~shall~~ be expunged unless it meets the criteria of
paragraph (2)(a) or paragraph (2)(b).

Section 2. Subsection (3) of section 943.0582, Florida

28-00488-16

2016386__

Statutes, is amended to read:

943.0582 Prearrest, postarrest, or teen court diversion program expunction.—

(3) The department shall expunge the nonjudicial arrest record of a minor who has successfully completed a prearrest or postarrest diversion program if that minor:

(a) Submits an application for prearrest or postarrest diversion expunction, on a form prescribed by the department, signed by the minor's parent or legal guardian, or by the minor if he or she has reached the age of majority at the time of applying.

~~(b) Submits the application for prearrest or postarrest diversion expunction no later than 12 months after completion of the diversion program.~~

(b)(e) Submits to the department, with the application, an official written statement from the state attorney for the county in which the arrest occurred certifying that he or she has successfully completed that county's prearrest or postarrest diversion program, that his or her participation in the program was based on an arrest for a nonviolent misdemeanor, and that he or she has not otherwise been charged by the state attorney with, or found to have committed, any criminal offense or comparable ordinance violation.

(c)(d) Participated in a prearrest or postarrest diversion program that expressly authorizes or permits such expunction to occur.

(d)(e) Participated in a prearrest or postarrest diversion program based on an arrest for a nonviolent misdemeanor that would not qualify as an act of domestic violence as that term is

28-00488-16

2016386__

defined in s. 741.28.

(e)~~(f)~~ Has never been, prior to filing the application for expunction, ~~been~~ charged by the state attorney with, or ~~been~~ found to have committed, any criminal offense or comparable ordinance violation.

Section 3. For the purpose of incorporating the amendment made by this act to section 943.0582, Florida Statutes, in a reference thereto, subsection (3) of section 985.125, Florida Statutes, is reenacted to read:

985.125 Prearrest or postarrest diversion programs.—

(3) The prearrest or postarrest diversion program may, upon agreement of the agencies that establish the program, provide for the expunction of the nonjudicial arrest record of a minor who successfully completes such a program pursuant to s. 943.0582.

Section 4. This act shall take effect July 1, 2016.