



MEMORANDUM

TO: Pinellas County Charter Review Commission

FROM: Kurt Spitzer

DATE: January 5, 2006

RE: Meeting Information – January 9, 2006

The purpose of this Memorandum is to provide you with information concerning your meeting set for Monday, January 9, 2006.

1. Schedule and Remaining Meeting Dates

After January 9th, there is a meeting set for January 30, 2006. If the business of the CRC is not completed by January 30th, the Chairman has identified February 20, 2006 as a tentative date for the final meeting to take substantive actions.

The Charter provides that the CRC may remain in existence until December 1, 2006. The CRC's Final Report to the County Commission is due no later than June 30, 2006. Prior to submitting recommendations for ballot measures and the Report, you must hold three public hearings separated by not less than ten (10) nor more than twenty (20) days.

My recommendation is that after votes are taken on the issues remaining on your agenda, the CRC should remain in existence but become "dormant" and not meet until late May to begin your required hearings and discuss what efforts you may wish to pursue concerning public education.

2. Status of Issues Requiring Legislative Approval

You'll recall that the meeting scheduled for November 21, 2005 was cancelled after we were informed that two additional members would not be able to attend, making it unlikely that a

quorum could be attained. The Legislative Delegation held their second and final local hearing on December 1st. They approved the introduction of the following measures:

- ✓ Abolish the Pinellas Sports Authority.
- ✓ Abolish the Mosquito Control Board and the Pinellas County Water and Navigation Control Authority, and transfer their powers to the Board of County Commissioners.

Many of the remaining issues currently in front of the CRC will require approval of the Legislature before becoming effective. These include all annexation measures and most measures relating to fire governance that are currently under consideration. Since the last local meeting of the Delegation has now occurred, there are three options (or some combination thereof) that you may consider concerning measures that require approval of the Delegation and Legislature:

1. Send one or more measures to the Delegation for their consideration in the 2007 Session. If approved by the Legislature, the issue would thereafter be placed on the ballot for the consideration of the voters, presumably in November of 2008.
2. Send one or more measures to the Delegation for their consideration in the 2006 Session. My understanding of the Delegation's rules is that introduction of a local bill at this time would require their unanimous consent, making the likelihood of approval doubtful. But if it was introduced and passed, the measure would be placed on the November 2006 ballot.
3. Send one or more measures directly to the ballot for the consideration of the voters in November 2006. Assuming a measure is approved by the electorate, it would then be considered by the Delegation and Legislature in 2007, and would be effective after confirmation as a Special Act.

3. Remaining Issues

In addition to the measures relating to Annexation and Fire Services, there are the following topics that remain on your agenda. They will be scheduled for the January 30th meeting. A brief summary of each issue is as follows:

- ✓ *Retention of the requirement for the "dual vote".* This is a procedural amendment. The Pinellas charter is the only one in Florida requiring a dual vote for adoption of charter amendments establishing countywide standards or policy. The issue on the table is whether to remove this requirement from the charter. The CRC may place this question directly on the November ballot.
- ✓ *Policy on future Charter Review Commissions.* The amendment providing for the extension of the 2004 ("reconstituted") CRC did not make adjustments to the schedule for subsequent CRCs, so the next CRC is scheduled to meet in 2010. In addition to when

the next CRC begins its work, other questions include the frequency with which other CRCs are constituted, and their duration, membership and staffing. The CRC may place this question directly on the November ballot.

- ✓ *Growth/Planning Information (Wilson).* Requires the County or a subcontractor to collect, analyze and distribute information indicative of growth in the County including data on zoning, building permits and certificates of occupancy. Such information would be analyzed and distributed to the County and the municipalities on a quarterly basis. The CRC may place this question directly on the November ballot or could adopt a non-binding recommendation to the County Commission that the County undertake such efforts.
- ✓ *Forum or Process for building consensus on countywide policy (Harrell).* You have previously discussed the concept of a council of governments or some other entity or process that would encourage the cities of Pinellas County and the County to meet on a regular basis to discuss mutual problems and solutions thereto. While there is a Council of Mayors, that entity does not have a role for county representatives nor city officials other than mayors. While there is a Suncoast League of Cities, its membership includes entities outside of Pinellas County. A council of governments could be embedded directly in the charter or could be created by interlocal agreement. The CRC could adopt a charter amendment on this point or adopt a non-binding recommendation to the County and the cities.
- ✓ *Authorization for Repeal of the Charter.* This is a procedural amendment. The Pinellas Charter has no mechanism by which it may be repealed. While one would likely not wish to repeal the charter without simultaneously replacing it with a new document, the lack of authorization may jeopardize a measure to repeal and replace. The charter could be amended to authorize consideration of an amendment to repeal or repeal/reconstitute the charter at some point in the future.

4. Draft Amendments - Annexation

There are four proposals concerning annexation. All require passage as a Special Act and passage by the voters of Pinellas County. Copies of a summary of the measures and of the proposed Special Acts are attached for your review. The language of the proposals has not changed from that which was provided to you at your last meeting. Also attached is a hardcopy of Mr. Healey's PowerPoint presentation set for Monday.

Any of the proposals that are adopted Monday can be reviewed and refined by staff for final consideration on January 30, 2006.

5. Draft Amendments - Fire Services

There have been three general options concerning fire services that have been under consideration by the CRC, as described below. Again, any of the proposals that you adopt can be reviewed and refined by staff prior to January 30, 2006.

1. Countywide, Independent District. The single, countywide district was recommended by MGT. The draft implementing legislation provides for an independent district with its own taxing authority. It is the one option where there is a single point of management, command and policy for fire service throughout the county.

It also presents the most technical and political complexities for successful implementation, such as: The question of whether the municipalities must (or should) be compensated for assets transferred from a city to the district; the cost of financing the purchase (if necessary) of assets; the question of acquiring responsibility for multiple pension systems; the appointment of its governing body, and so forth.

2. Unincorporated Area District or Districts. You have previously discussed proposals to provide for a single independent fire district in the unincorporated area. That proposal abolished the current four independent districts and transferred their assets to the new district. A single district would provide greater uniformity in the delivery of fire services and of tax rates.

You also discussed recommendations to the County Commission that they establish the number of dependent districts in the unincorporated area. This approach would permit the county to decide if there should be one, five or some other number of dependent fire districts. The Board of County Commissioners would serve as the governing body and fire protection services would be a service under the control of the county. Unlike the independent district model, the dependent district would not result in the creation of another governing body and direct control of fire services for the unincorporated area would remain with the elected County Commission. This proposal could be accomplished by action of the Commission, although the CRC could make a recommendation in this area.

If an objective is to establish a more uniform tax rate in the unincorporated area and eliminate some (but not all) of the entities providing fire service in Pinellas county, the CRC may still wish to consider abolishing the existing independent fire districts. Their assets, liabilities and personnel would be transferred to county government or to an independent district covering the unincorporated area.

3. Countywide Fire Standards. At the November 7, 2005 meeting, the CRC discussed the concept of authorizing the County to set fire standards and policy countywide.

The current charter authorizes the County Commission to provide for the coordination and implementation of fire protection for the unincorporated area only. The provisions of a Special Act that were converted to an ordinance do allow the County Commission to set *minimal* standards countywide but not “maximum” standards. Additionally, it is not clear if

those standards could vary from area to area within the county. When the Act was converted to an ordinance, the County Commission was prohibited from revising the policy. Thus, consideration of a charter amendment may be necessary.

The amendment considered during the November 7th meeting added the development of countywide standards of coverage and a countywide fire protection plan to the powers of the County Commission. It retained the charter's existing language relating to the implementation of fire protection to the unincorporated area. It specifically provided that the County is not authorized to abolish a municipal fire department.

After Mr. Spratt's November 7th presentation on the coordination of fire services within five regions of the county, the CRC's discussion of the proposed charter amendment centered on how it could be drafted to facilitate that objective. The concept is to not abolish municipal departments but to require more efficient operating procedures on a regional basis.

Three draft Special Acts are attached for your review and consideration:

1. A copy of the proposed legislation creating the countywide fire district. This is identical to that which has been provided to you at earlier meetings.
2. A copy of a proposed amendment to the charter authorizing the establishment of standards on a regional basis. This is proposed as a Special Act so as to override the dual vote requirements of the charter.
3. A draft of a Special Act providing for the abolishment of the four independent districts. This measure could be considered in tandem with the charter amendment on standards.

Any of the options can be refined by staff prior to your final consideration. But we would ask that a conceptual direction be taken and a general decision on one of the options be made first.

Healey

**Annexation In Pinellas
County**

**JANUARY 9, 2006
Charter Review Commission**

Annexation Outline

- Background / Statutory Framework
- Experience with Annexation Over Past Five Years
- Issues and Potential Solutions

**Background / Statutory
Framework**

Annexation Statutory Provisions

- Chapter 171, F.S.
 - General law governing annexation process statewide
 - Provides for Home Rule Charter Counties to adopt exclusive method of voluntary annexation
 - Not a particularly rational process in terms of planning/managing urban services
 - Functions largely based on choices of the individual/collective interests of property owners

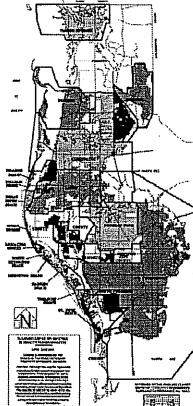
Annexation Statutory Provisions

- Chapter 88-464, Laws of Fl.
 - Special Act Reconstituting Countywide Planning Structure
 - Ability to Serve Review
- Chapter 98-484, Laws of Fl.
 - Special Act providing for annexation of enclaves of 1 acre or less
 - Sunset in July, 2001

Annexation Statutory Provisions

- Ordinance No. 00-63
 - Charter Amendment providing for exclusive process/criteria governing voluntary annexation – November 2000
 - County Ordinance adopted August 2000, effective upon approval of Charter Amendment
 - Established planning/voluntary annexation areas
 - Provides for:
 - Notification of affected parties
 - Limited review to determine:
 1. Location Within Planning Area
 2. Contiguity
 3. Compactness
 4. No enclaves created
 - Full review upon request of affected party
 - Process/criteria for amendment of planning areas

**Voluntary
Annexation
Planning Area
Map**



**Experience with Annexation
Over Past Five Years**

Experience with Ordinance 00-63

- Effective in eliminating "Border Wars"
- Discouraged "Regulatory Shopping"
- Major setback with CPA approval to contract planning area boundaries in 2002
- Generally worked well

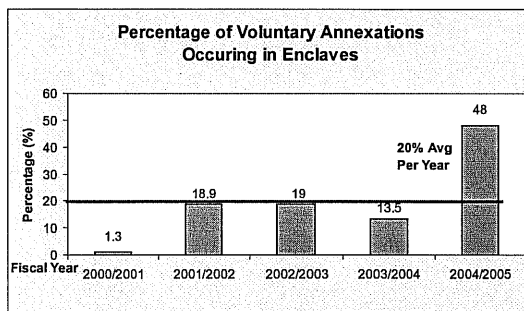
Voluntary Annexations

- 962 submitted in five fiscal years
- 923 (or 96%) found compliant
- Remainder withdrawn or taken to full review

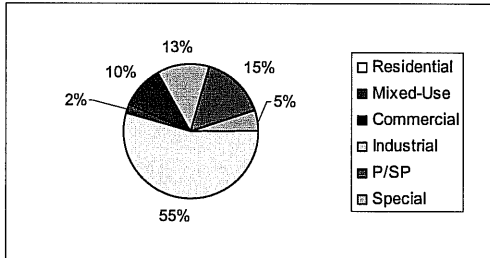
- 12 full reviews
- 7 found compliant
- 2 non-compliant
- 3 withdrawn

Voluntary Annexations

- Total Acres Annexed = 2,300 acres
- Avg. Acres Per Year = 460 acres
- Avg. Size Per Annexation = < 2.5 acres
- Avg. Ad Valorem Tax Impact to MSTU = \$154,600
- Avg. 460 Acres/Year = 1.5% of unincorporated area within Annexation Planning Areas
- Assuming everyone ultimately chose to annex, it would take 65 years to fill-in the Municipal Planning Areas



Countywide Future Land Use Plan Classifications - Voluntary



Referendum Annexations

- 29 initiated in five fiscal years
- 15 forwarded to PPC for review under CPA resolution (No. 03-128)
- All 15 met requirements

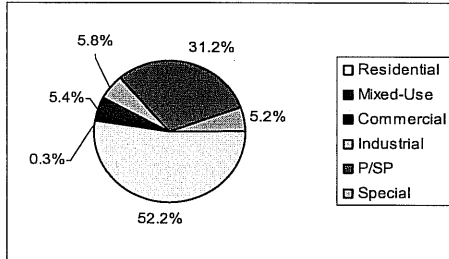
- Of 29 initiated
 - 19 were approved
 - 8 defeated
 - 2 are in litigation
- Of 19 approved
 - 10 involved voters
 - 9 did not

Referendum Annexations

- Total Acres Annexed = 1,545 acres*
- Avg. Acres Per Year = 309 acres*
- Avg. Size Per Annexation = 34 acres*
- Avg. Ad Valorem Tax Impact to MSTU = \$134,900*
- On the basis of involuntary annexation alone, it would take 133 years to fill-in the municipal planning areas
- With voluntary and involuntary combined, approx. 2.3% of unincorporated area within planning areas is annexed each year, suggesting it would take some 43 years to extend municipal boundaries to the limits of their planning areas

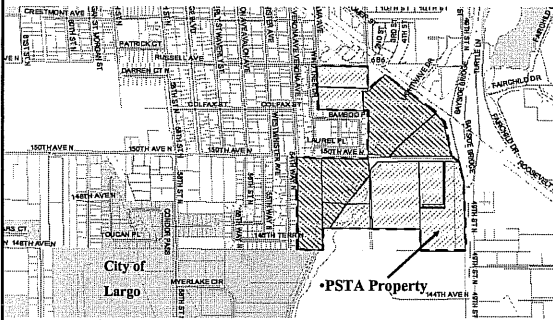
*Not including Weedon Island Preserve Annexation of 2,382 acres

Countywide Future Land Use Classifications - Referendum

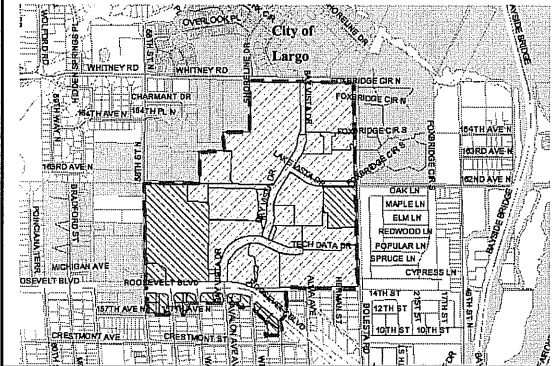


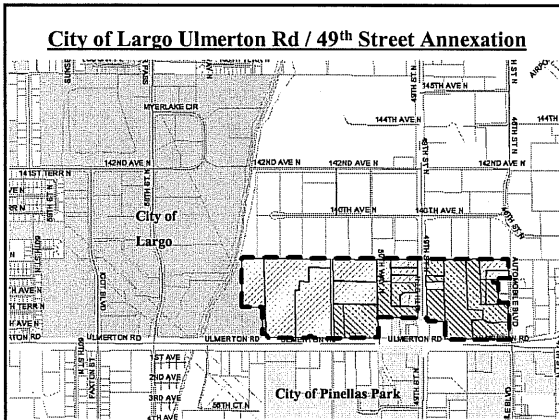
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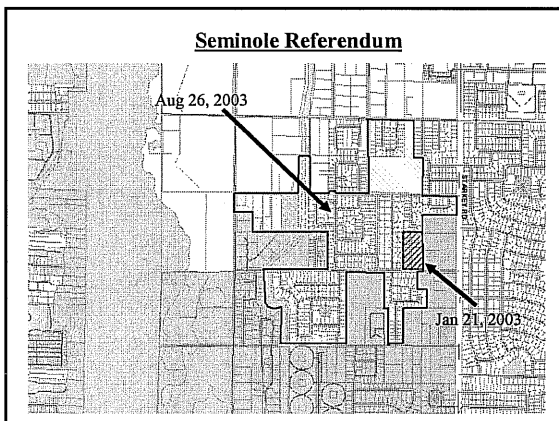
City of Largo West of 49th Street Annexation

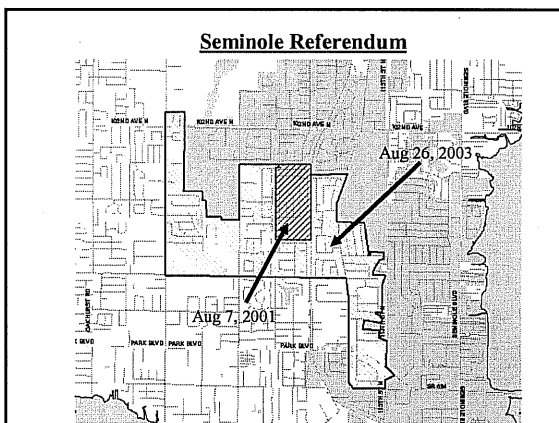


City of Largo 58th St. & Roosevelt Blvd. Annexation









Issues and Potential Solutions

Voluntary Annexation

- Generally working well
- Use as a Catalyst to Address Remaining Issues
- Clarify Criteria / Process for Amending Planning Area Boundaries
- Annexation Subcommittee formed to work on Planning Area Boundaries

Involuntary Annexation

- Vote of Registered Electors
 - 30/70 Ratio (Land owned by registered electors)
 - 2 Year Time Limit
 - Advance Notice
 - Eligible Area
- Petition by Owners (Non-Referendum Referendum)
 - 51/49 Ratio of Parcels and Area (Owned by petitioners)
 - Advance Notice
 - Eligible Area

Enclaves

- Comprehensive solution notable in its absence from what has been submitted to CRC for consideration
- Formula to Remedy Must Include:
 - Incentives by City
 - Interlocal Agreement with County (Chp. 171.046)
 - Required by Date Certain

Other

- Incentives
 - Limited to Public Purpose
- Operational Transfer
 - Roadway, Drainage Maintenance, and Traffic Operations
- Financial Impact
 - Transitional Formula

Pinellas Assembly Annexation Task Force Recommendations

- Four Components
 - I. Voluntary Annexation
 - II. Referendum Annexation
 - III. Enclaves
 - IV. Overall Principles

I. Voluntary Annexation

- A. **Planning/Annexation Areas - Restore Planning/Annexation Areas as Originally Established under Ordinance No. 00-63**
- B. **Criteria for Planning/Annexation Area Boundary Amendment - Prepare Revisions That Address Public/community Interests and Fiscal Impacts**
- C. **Process for Planning/Annexation Area Boundary Amendment - Clarify that the County or a Municipality May Initiate Boundary Amendment; Provide for Super-Majority Vote of CPA to Override PPC Recommendation; Provide for Ch. 120, F.S. Administrative Hearing Process**

II. Referendum Annexation

- A. Governing Legislation - *Limit Referendum Annexations to Existing Planning Areas and Seek Legislative Support to Amend General Law*
- B. Establish Exclusive Countywide Process - *Identify Specific Requirements as Part of Charter Amendment Process*
- C. Identify Areas to be Eligible for Annexation by Referendum - *Identify in Map and Ordinance Form the Areas to be Governed in Advance of Charter Amendment*

III. Enclaves

- A. Internal Enclaves (Completely Surrounded by the Same Municipality)
 - *All Internal Enclaves be Required to be Annexed by Jan. 1, 2008. Any costs directly incident to annexations of enclaves (other than changed ad valorem tax, utility tax, and franchise fees) to be borne by the municipality.*
- B. Unincorporated Areas Within Municipal Planning Area Between Planning Area Boundary & Municipal Boundary
 - *Support Pro-Active Measures to Incent Annexation Where Annexation is not Achievable, Encourage Inter-Local Agreement for Service Delivery Between the County and Respective Municipality.*

IV. Overall Principles

- A. Properties of Countywide Significance
- B. Incentives/Inducements for Annexation
- C. Public Participation and Information
- D. Service Delivery Generally
- E. Transfer of Jurisdictional Responsibilities Upon Annexation

**Policy Choices Facing the
Charter Review Commission**

1. Do Nothing
2. Approve One/More of Five Special Acts
3. Recommend Issues be Addressed
Comprehensively, Cooperatively, and in
Advance of Legislation/Charter
Amendment

Summary of Annexation Proposals

Option	Description
1. Full Authority	Pursuant to Special Act as approved by referendum of the electorate, BCC's power to set local policy on annexation would be expanded from "voluntary" annexations to include "involuntary" or referendum annexations, and all other matters related thereto.
2. Preservation Areas	Pursuant to Special Act as approved by referendum of the electorate, the BCC is authorized to delineate "preservation areas" in the unincorporated area of Pinellas County. After such delineation, and after an affirmative vote of the electorate in the proposed preservation area, the BCC may formally establish the preservation areas for a period of time not greater than 10 years. Properties within preservation areas are not subject to annexation by municipalities.
3. Miscellaneous Revisions	<p>Pursuant to Special Act as approved by referendum of the electorate, several specific policies concerning annexation become effective in Pinellas County:</p> <ol style="list-style-type: none"> 1. Annexation is prohibited unless individual notice has been provided by certified mail to all property owners within the proposed annexation area at least 60 days prior to the first public hearing. 2. Annexation is prohibited without obtaining consent through a freeholder referendum held on a date certain. In the case of property owned by municipalities, the county or the state, consent need not be obtained but such property may not count toward satisfaction of the percentage of property owner approval requirements contained in law. 3. Cities are prohibited from proposing the annexation of property by referendum for a period of 10 years after the last such referendum, without the property owner's written consent. 4. Cities and the county are prohibited from offering any incentives or inducements to property owners in conjunction with an annexation proposal.

	<p>5. In the case of the annexation of property within enclaves, the annexing municipality shall establish incentives to mitigate any one-time costs applicable to an existing developed property within the area to be annexed. Such incentives must include the following:</p> <ul style="list-style-type: none"> a. Paying for the initial cost of extending public water and sewer service, and the total cost of any applicable impact fees for an existing structure; b. Water wells or septic tanks within the enclave which meet state health standards on the effective date of this act are deemed to meet the code requirements of the annexing jurisdiction.
4. Non-Referendum Limitations	<p>Pursuant to Special Act as approved by referendum of the electorate, cities are prohibited from annexing areas through the “non-referendum, referendum” process where the owner has not given express consent, unless the below conditions are met. Consent may be revocable up until the adoption of the annexation ordinance.</p> <ul style="list-style-type: none"> a. Seventy-five percent (75%) of the boundary of such a parcel is surrounded by the annexing city and/or property owners consenting to the annexation, and b. Property owners consenting to the proposed annexation (on both a parcel and acreage basis) exceed seventy-five percent (75%).
5. Enclave Equity¹	<p>Pursuant to Special Act as approved by referendum of the electorate, the BCC is required to establish a special MSTU in an enclave for the incremental increase in costs to the county in providing services in that area, which may include contract payments to the city for the provision of services in the enclave by the city.</p> <p>Cities are prohibited from refusing to annex an enclave parcel when an owner files a petition to annex.</p> <p>Cities are prohibited from annexing any parcel without the owner’s express permission.</p>

¹ Rick Davis has asked that this proposal not be considered at this time.

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OPTION 1: Full Authority

CHAPTER 2006-_____

Bill No. _____

AN ACT RELATING TO PINELLAS COUNTY; REQUIRING A REFERENDUM OF THE COUNTY ELECTORATE; PROVIDING SPECIAL ACT AUTHORITY TO FULLY REGULATE ANNEXATION PURSUANT TO CHARTER AUTHORITY; PROVIDING FOR THE AMENDMENT OF THE PINELLAS COUNTY CHARTER TO PROVIDE FOR CHARTER-BASED ANNEXATION AND CONTRACTION PROCEDURES TO WHICH GENERAL LAW WILL BE SUPPLEMENTAL; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE

WHEREAS, Pinellas County is an urbanized county with a population in excess of 900,000 residents, with 24 municipalities, and

WHEREAS, Pinellas County has numerous scattered unincorporated areas which reflect the haphazard manner in which annexation into municipalities has taken place over the years by the application of general annexation laws of the state, and

WHEREAS, with the active cooperation and support of the municipalities, and pursuant to statutory authority, the Pinellas County Charter was amended in 2000 to provide for an exclusive method of voluntary annexation, by ordinance of the Board of County Commissioners and further to provide for the delineation of exclusive annexation boundaries; and

WHEREAS, with the active cooperation and support of the municipalities, the Pinellas County Board of County Commissioners adopted an ordinance in 2000 to implement that charter based annexation authority; and

WHEREAS, the Pinellas County Charter was amended in 2000 to provide charter authority over voluntary annexation in the Board of County Commissioners; and

WHEREAS, with over four years of experience in administration of the ordinance, interjurisdictional disputes that have had an impact on economic development have been reduced. However, it has been recognized by the Annexation Task Force of the Pinellas Assembly and the Pinellas County Charter Review Commission that the statutory limitation of charter authority which applies only to voluntary annexation makes the exclusive annexation boundaries illusory and of little practical planning significance; and

WHEREAS, the Charter Review Commission recognizes that the existing annexation law fails to adequately address the issue of annexation in Pinellas County; and

1 WHEREAS, the first step in eliminating the barriers to effective home rule
2 annexation controls would be to expand the scope of charter authority to govern
3 referendum annexation and contraction; and
4

5 WHEREAS, the legislative delegation, representing Pinellas County, has final report of the
6 Annexation Task Force of the Pinellas Assembly composed of citizens charged with the study of
7 annexation in Pinellas County, and has met with the Pinellas County Charter Review
8 Commission composed of a legislator, local officials, and residents charged with review of, and
9 making recommendations to the citizens regarding Charter authority; and
10

11 WHEREAS, one of the suggestions of both the Annexation Task Force of the Pinellas
12 Assembly and of the Charter Review Commission was that existing authority which applies only
13 to voluntary annexation was inadequate and they each recommended the implementation of full
14 home rule authority over annexation through the charter-based ordinance authority of the Board
15 of County Commissioners; and
16

17 WHEREAS, principal of home rule recognizes the right of the electorate in Pinellas County
18 to consider alternative policies and operating procedures in this urban, densely populated county;
19 and
20

21 WHEREAS, enactment of the alternative policies contained herein is contingent on
22 approval by the electorate of Pinellas County.
23

24 Be it Enacted by the Legislature of the State of Florida and pursuant to Article VIII,
25 Section 2(c) of the Florida Constitution:
26

27 Section 1. The Pinellas County board of county commissioners is authorized to control the
28 procedures, methods and limitations for all forms of annexation provided that the authority is
29 included in the special powers section of the Pinellas County Charter. The methods of
30 annexation and contraction provided by general law for all forms of annexation and contraction
31 shall not be effective in Pinellas County and all annexations in Pinellas County shall proceed
32 pursuant to County ordinance adopted pursuant to the authority provided in the Pinellas County
33 Charter.
34

35 Section 2. The Pinellas County Charter, Section 2.04(t) shall be amended to read as follows:
36

37 (t) As provided by special law, all powers necessary to establish by ordinance the exclusive
38 method and criteria for municipal annexation and contraction, including the delineation of areas
39 eligible for annexation.
40

41 Section 3. Codification. The substantive provisions of this ordinance shall
42 be included and incorporated in the Pinellas County Code as an addition thereto, and
43 shall be appropriately renumbered to conform to the uniform numbering system of the
44 Pinellas County Code.
45

1 Section 4. Interpretation. This act shall be construed to be consistent with and further
2 the purpose of Chapter 171, Florida Statutes, the Pinellas County Charter, and Pinellas
3 County Ordinance Number 00-63, as amended.
4

5 Section 5. Severability If any section, subsection, sentence, clause or phrase of this
6 ordinance, is for any reason held illegal, invalid or unconstitutional by the decision of any
7 court of competent jurisdiction, such decision shall not affect the valid provisions thereof.
8 The county hereby declares that it would have adopted this ordinance, and each section,
9 subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more
10 sections, subsections, sentences, clauses or phrases be declared illegal, invalid or
11 unconstitutional. The invalidity of any portion of the ordinance shall not abate, reduce,
12 or otherwise affect any consideration or obligation required thereunder.
13

14 Section 6. Effective Date; Referendum Question Except for this section, which
15 shall take effect only upon becoming law, this act shall take effect upon the approval of
16 this act and the implementing charter amendment by a majority vote of the electors of
17 Pinellas County voting in a referendum election, which shall be called by the Board of
18 County Commissioners prior to November 7, 2006. The ballot question for this
19 amendment shall be as follows:
20

21 BALLOT TITLE: APPROVE A SPECIAL ACT AND AMENDMENT OF THE COUNTY CHARTER
22 TO PROVIDE FOR FULL HOME RULE AUTHORITY CONCERNING ANNEXATION POLICY BY
23 THE BOARD OF COUNTY COMMISSIONERS
24

25 BALLOT QUESTION: Shall a Special Act of the Legislature and an implementing
26 Amendment to Section 2.02(c) of the Pinellas County Charter be approved to grant full
27 home rule authority over annexation to the board of county commissioners?
28

29 [] YES FOR APPROVAL
30

31 [] NO FOR REJECTION
32

33 Approved by the Governor _____
34 Filed in Office of Secretary of State _____
35
36
37

OPTION 2 – Preservation Areas

CHAPTER 2006-_____

Bill No. _____

AN ACT RELATING TO PINELLAS COUNTY; REQUIRING A REFERENDUM OF THE COUNTY ELECTORATE; PROVIDING AUTHORITY TO THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY AND AMENDING THE PINELLAS COUNTY CHARTER TO PROVIDE FOR CHARTER AUTHORITY TO THE BOARD OF COUNTY COMMISSIONERS TO ESTABLISH COMMUNITY PRESERVATION AREAS THAT WOULD BE IMMUNE FROM ANNEXATION FOR A PERIOD OF UP TO 10 YEARS; PROVIDING FOR CODIFICATION; PROVIDING FOR INTERPRETATION; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE

Be it Enacted by the Legislature of the State of Florida and pursuant to Article VIII, Section 2(c) of the Florida Constitution:

Section 1. The Pinellas County board of county commissioners is granted the authority to establish, and thereafter, alter or abolish, by ordinance, community preservation areas in the unincorporated portions of the county that consist of identifiable communities which have expressed an interest in preserving their unincorporated character. These areas shall not be subject to annexation by any municipality under any procedure otherwise permitted by law for a period of not more than ten (10) years from the date of their designation. Designation as a community preservation area shall expire at the end of ten years unless reestablished by the board of county commissioners by the same procedures established below for the original designation.

- a. The identifiable community shall initially be boundary delineated by resolution of the board of county commissioners and protection of that area so delineated shall not, in the reasonable legislative judgment of the board of county commissioners, interfere with the ability of the municipality to continue to annex remaining properties that can contribute to the city as a unified whole and not prevent any such incorporated citizens from fully associating and trading with each other, socially and economically.
- b. Once a community is delineated by resolution, the board of county commissioners shall call a referendum to determine if there is a sufficient expression of interest in preserving their unincorporated character to warrant designation as a community preservation area. A majority vote of the electors in the area delineated by resolution shall enable the board of county commissioners to establish the community preservation area.

Section 2. Section 2.04 of the Pinellas County Charter is amended to add a new subsection to read as follows:

(u) to establish, and thereafter alter or abolish, by ordinance authorized by special act, community preservation areas in the unincorporated portions of the county which consist of areas otherwise immune from voluntary annexation pursuant to subsection (t) or identifiable communities which have expressed an interest in preserving their unincorporated character. These areas shall not be subject to annexation by any municipality under any procedure otherwise permitted by law. Community preservation areas shall consist of the following:

1. Areas lying within the boundaries established pursuant to subsection (t) of this Section 2.04 that are unavailable for voluntary municipal annexation.
2. Areas lying within the municipal boundaries established pursuant to subsection (t) of this Section 2.04 that are otherwise available for municipal annexation but for the fact that the area has been identified by the board of county commissioners, by resolution pursuant to special act, as boundary delineated communities eligible for a referendum pursuant to special act and subsequent to such referendum, has been established as a community protection area by ordinance of the board of county commissioners.

Section 3. Codification. The substantive provisions of this ordinance shall be included and incorporated in the Pinellas County Code as an addition thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Code.

Section 4. Interpretation. This act shall be construed to be consistent with and further the purpose of Chapter 171, Florida Statutes, the Pinellas County Charter, and Pinellas County Ordinance Number 00-63, as amended.

Section 5. Severability If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or application, and to this end the provisions of this act are declared severable.

Section 6. Effective Date; Referendum Question Except for this section, which shall take effect only upon becoming law, this act shall take effect upon the approval of this act and the implementing charter amendment by a majority vote of the electors of Pinellas County voting in a referendum election, which shall be called by the Board of County Commissioners prior to November 7, 2006. The ballot question for this amendment shall be as follows:

BALLOT TITLE: APPROVE A SPECIAL ACT AND AMEND COUNTY CHARTER TO PROVIDE AUTHORITY FOR THE BOARD OF COUNTY COMMISSIONERS TO CREATE COMMUNITY PROTECTION AREAS THAT ARE IMMUNE FROM ANNEXATION FOR NOT MORE THAN 10 YEARS

BALLOT QUESTION: Shall a Special Act of the Legislature and an implementing Amendment to Section 2.04 of the Pinellas County Charter be approved to grant authority

for the Board of County Commissioners to establish Community Protection Areas that are immune from annexation for not more than 10 years?

[] YES FOR APPROVAL

[] NO FOR REJECTION

Approved by the Governor _____

Filed in Office of Secretary of State _____

OPTION 3 – Misc. Revisions

CHAPTER 2006-_____

Bill No. _____

AN ACT RELATING TO PINELLAS COUNTY; REQUIRING A REFERENDUM OF THE COUNTY ELECTORATE; PROVIDING FOR SPECIAL PROVISIONS GOVERNING ANNEXATION NOTWITHSTANDING THE PROVISIONS OF GENERAL LAW; PROVIDING SPECIAL NOTICE TO AFFECTED PROPERTY OWNERS; PROVIDING FOR A FREEHOLDER REFERENDUM FOR NONELECTOR OWNERS; PROVIDING FOR A 10-YEAR PERIOD DURING WHICH A PARCEL MAY NOT BE SUBJECT TO A REFERENDUM ANNEXATION INITIATIVE WITHOUT THE PROPERTY OWNER'S EXPRESS PERMISSION; PROHIBITING INCENTIVES IN THE ANNEXATION PROCESS WITH EXCEPTIONS FOR THE ANNEXATION OF PROPERTIES IN ENCLAVES; PROVIDING FOR CODIFICATION; PROVIDING FOR INTERPRETATION; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE

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

Section 1. Notwithstanding any other provision of law, no municipality in Pinellas County may annex any unincorporated territory pursuant to Section 171.0413 Florida Statutes unless individual notice has been provided by certified mail to all property owners within the proposed annexation area at least 60 days prior to the first public hearing.

Section 2. Notwithstanding any other provision of law, no municipality in Pinellas County may subject any property to an annexation pursuant to Section 171.0413(5) or (6) without obtaining their consent through a freeholder referendum held on a date certain. The consent of municipalities, the county or the state need not be obtained through referendum but any such acreage may not count toward satisfaction of the percentage of property owner approval requirements contained in Section 171.0413(5) or (6) Florida Statutes.

Section 3. Notwithstanding any other provision of law, no municipality in Pinellas County, without the property owner's written permission, may subject any property to an annexation referendum pursuant to Section 171.0413 Florida Statutes, for a period of 10 years from the last date that such property was last subject to a referendum annexation.

Section 4. Notwithstanding any other provision of law, neither an annexing municipality nor the County may offer, negotiate, agree to provide, or provide, any material incentives or inducements to property owners in conjunction or connection with an annexation proposal. Material incentives or inducements, which may include but not be limited to, and by way of example, cash or in-kind rewards, tax relief, improvements to private property, impact fee reductions or waivers, up-zoning or zoning or land use, or waivers of development obligations or fees including but not limited to improvements to public infrastructure, do not serve a valid public purpose and are ultra vires. Similarly, no annexing municipality in Pinellas County may refuse to provide or delay permit issuance in the connection with the provision of water or sewer

1 services that they are otherwise obligated to provide in order to induce the signing of an
2 agreement to annex.

3
4 Section 5. In the case of the annexation of property within enclaves, the annexing
5 municipality shall establish incentives to mitigate any one-time costs applicable to an existing
6 developed property within the area to be annexed, which incentives must include the following:
7

- 8 a. The municipal jurisdiction shall pay for all of the initial cost of extending public water
9 and sewer service to a property for which such services are not currently provided.
- 10
11 b. The municipal jurisdiction shall pay the total cost of any applicable impact fees for an
12 existing structure.
- 13
14 c. Any water well or septic tank within the enclave to be annexed which meets state health
15 standards on the effective date of this act shall be deemed to meet the municipal code
16 requirements of the annexing municipal jurisdiction. The annexing municipal
17 jurisdiction may not require a person who continues to own the property if the well water
18 or septic tank, as applicable, receives a satisfactory biennial inspection conducted at the
19 property owner's expense.
20

21 Section 6. Codification. The substantive provisions of this ordinance shall be included
22 and incorporated in the Pinellas County Code as an addition thereto, and shall be appropriately
23 renumbered to conform to the uniform numbering system of the Pinellas County Code.
24

25 Section 7. Interpretation. This act shall be construed to be consistent with and further the
26 purpose of Chapter 171, Florida Statutes, the Pinellas County Charter, and Pinellas County
27 Ordinance Number 00-63, as amended.
28

29 Section 8. Severability. If any provision of this act or its application to any person or
30 circumstance is held invalid, the invalidity does not affect other provisions or application, and to
31 this end the provisions of this act are declared severable.
32

33 Section 9. Effective Date; Referendum Question Except for this section, which shall take
34 effect only upon becoming law, this act shall take effect upon the approval of this act by a
35 majority vote of the electors of Pinellas County voting in a referendum election, which shall be
36 called by the Board of County Commissioners prior to November 7, 2006. The ballot question
37 for this amendment shall be as follows:
38

39 **BALLOT TITLE: APPROVE A SPECIAL ACT TO ENHANCE PROPERTY OWNERS**
40 **RIGHTS WITH RESPECT TO GENERAL LAW ANNEXATION BY PROVIDING**
41 **ENHANCED NOTICE, FREEHOLDER ELECTIONS OF NONELECTORS, PROTECTION**
42 **FROM RECURRING REFERENDUMS, AND PROHIBITING INCENTIVES WITH**
43 **EXCEPTIONS**
44

45 **BALLOT QUESTION: Shall a Special Act of the Legislature be approved to establish special**
46 **restrictions on the general law process for annexing properties?**

1
2
3
4
5
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8

[] YES FOR APPROVAL

[] NO FOR REJECTION

Approved by the Governor _____

Filed in Office of Secretary of State _____

1 OPTION 4 – Non-referendum Annexation Limitations
2

3 CHAPTER 2006-____
4

5 Bill NO. _____
6

7 AN ACT RELATING TO PINELLAS COUNTY; REQUIRING A REFERENDUM OF
8 THE COUNTY ELECTORATE; PROVIDING FOR SPECIAL PROVISIONS
9 GOVERNING ANNEXATION NOTWITHSTANDING THE PROVISIONS OF
10 GENERAL LAW; PROVIDING SPECIAL RESTRICTIONS ON THE EXERCISE OF
11 ANNEXATION AUTHORITY PURSUANT TO SECTION 171.0413(6) FLORIDA
12 STATUTES; PROVIDING FOR INTERPRETATION; PROVIDING FOR
13 CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN
14 EFFECTIVE DATE
15

16 Be It Enacted by the Legislature of the State of Florida:
17

18 Section 1. Notwithstanding any other provision of law, no municipality in Pinellas
19 County may annex any unincorporated territory pursuant to Section 171.0413(6) Florida
20 Statutes whose owner has not given express consent unless seventy-five percent (75%) of
21 the boundary of such a parcel is surrounded by either incorporated properties of the
22 annexing jurisdiction or property owners consenting to the proposed annexation and the
23 total percentage of consenting property owners in the proposed annexation, on both a
24 parcel and acreage basis exceeds seventy-five (75) percent. Express consent may be
25 revocable up until the adoption of the annexation ordinance.
26

27 Section 2. Interpretation. This act shall be construed to be consistent with and further
28 the purpose of Chapter 171, Florida Statutes, the Pinellas County Charter, and Pinellas
29 County Ordinance Number 00-63, as amended.
30

31 Section 3. Codification. The substantive provisions of this ordinance shall
32 be included and incorporated in the Pinellas County Code as an addition thereto, and
33 shall be appropriately renumbered to conform to the uniform numbering system of the
34 Pinellas County Code.
35

36 Section 4. Severability. If any provision of this act or its application to any property,
37 person or circumstance is held invalid, the invalidity does not affect other provisions or
38 application, and to this end the provisions of this act are declared severable.
39

40 Section 5. Effective Date; Referendum Question Except for this section, which
41 shall take effect only upon becoming law, this act shall take effect upon the approval of
42 this act by a majority vote of the electors of Pinellas County voting in a referendum
43 election, which shall be called by the Board of County Commissioners prior to November
44 7, 2006. The ballot question for this amendment shall be as follows:
45

1 BALLOT TITLE: APPROVE A SPECIAL ACT TO PROVIDE SPECIAL
2 RESTRICTIONS ON THE ANNEXATION OF NON-ELECTOR OWNED
3 PROPERTIES
4

5 BALLOT QUESTION: Shall a Special Act of the Legislature be approved to establish
6 special restrictions on the general law process for annexing non-electtor owned
7 properties?
8

9 [] YES FOR APPROVAL
10

11 [] NO FOR REJECTION
12

13 Approved by the Governor _____
14 Filed in Office of Secretary of State _____
15
16

CHAPTER 06-__

__ Bill No. __

An act relating to Pinellas County; creating the Pinellas County Countywide Fire Services District; declaring legislative intent and purpose; establishing the District, boundaries, succession and governing board; establishing the powers and duties of the governing board; establishing a Fire Protection Services Advisory Council; establishing a prohibition on taxing power; providing transition provisions; abolishing the Palm Harbor Special Fire Control and Rescue District, the Eastlake Tarpon Special Fire Control District, the Lealman Special Fire Control District and the Pinellas Suncoast Fire & Rescue District; providing for initial funding; providing an effective date and ballot question.

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

Section 1. Pinellas County Countywide Fire Protection District.

Article I. Declaration of legislative intent and purpose.

(1) The legislature finds and declares that it is mandatory to protect the life and property of all citizens of Pinellas County by providing a means of establishing fire protection to all areas within the County in the most efficient and effective manner, as well as promoting improved fire prevention throughout the County.

(2) The legislature further finds and declares that with a myriad of local fire departments in Pinellas County, it is essential that a permanent single countywide fire protection authority be created which can overcome existing deficiencies in order to provide comprehensive, consistent fire protection services for all areas of Pinellas County, and eliminate inadequately funded existing fire departments and the lack of a cohesive fire protection plan for the county as a single unit.

(3) It is, therefore, the intent of this act to create a permanent single countywide fire protection authority in Pinellas County to implement objectives, which shall include but not be limited to the following:

(a) The consolidation and extension of fire protection to all residents of Pinellas County.

(b) The utilization of necessary personnel and facilities and the upgrading of present facilities to meet the growing responsibilities of an expanded population in all areas of the county, and to achieve higher local service ratings in an effort to achieve lower insurance rates for the county.

(c) Providing for a single point of coordination, management and command in the delivery of fire protection services to all residents of this county.

Article II. Definitions. For purposes of this act, the following definitions of terms shall apply:

(1) "Cities" means the following municipal governments in Pinellas County: Town of Belleair; City of Belleair Beach; City of Belleair Bluffs; Town of Belleair Shore; City of Clearwater; City of Gulfport; Town of Indian Shores; City of Largo; City of Madeira Beach; Town of N. Redington Beach.; City of Oldsmar; City of Pinellas Park; Town of Redington Beach; Town of Redington Shores; City of Safety Harbor; City of Seminole; City of St. Pete Beach; City of St. Petersburg; City of South Pasadena; City of Tarpon Springs; and City of Treasure Island.

(2) "County" means Pinellas County, a political subdivision of the State of Florida.

(3) "Fire Protection Services" means the response of firefighting apparatus, units and personnel to the scene of a fire, life safety emergency, man-made or natural disaster or public service request. Fire Protection Services include the command and control of the emergency scene, the containment of any fire and the mitigation of any hazards and may include specialized rescue, rescue response service, and related services including fire and arson investigation, inspections and code enforcement and public education.

(4) "Former Fire Districts" means the following independent special districts in Pinellas County: Eastlake Tarpon Special Fire Control District; Lealman Special Fire Control District; Palm Harbor Special Fire Control District; and Pinellas Suncoast Fire & Rescue District.

(5) "Former Service Providers" means the County, Cities and Former Fire Districts that provide Fire Protection Services and/or facilities in Pinellas County as of the effective date of this act.

Article III. Establishment; boundaries; governing board.

(1) ESTABLISHMENT. Effective January 1, 2007, there is hereby created the Pinellas County Countywide Fire Protection District, hereinafter the "District", which is an independent special fire control district of Pinellas County as provided in Chapter 191, Florida Statutes, except as otherwise specified herein, created for the purpose of providing Fire Protection Services and facilities for all citizens of Pinellas County pursuant to this act. The District shall begin providing Fire Protection Services on a countywide basis in accordance with Article VII herein. As provided in Article VII, Section 9 of the Florida Constitution, if approved by referendum as provided in Section 4 of this act, the millage authorized by Article III, subsection (1) shall not be included within the 10 mill caps of the County or any Cities.

(2) SUCCESSION. The District hereby created shall succeed to and possess all the properties, rights, capacities, privileges, powers, franchises and immunities relating to the provision of Fire Protection Services, and be subject to all of the liabilities, obligations and duties relating to the provision of Fire Protection Services of the Cities, Former Fire Districts and County governments, in accordance with the following provisions:

(a) Employees – All employees providing Fire Protection Services, except elected officials of the County, Cities and Former Fire Districts, who by reason of the act become employees of the District shall have the same rights of continued employment at the salary and benefits as provided in subsection (i) herein.

(i) The District shall implement a pay and classification plan that ensures fair and equitable compensation.

(ii) For purposes of providing retirement benefits, the District is an independent special fire control district as defined in Chapter 191, Florida Statutes and shall have all such rights to establish, administer and maintain retirement and pension plans as provided herein pursuant to Chapter 121, Florida Statutes. The Commission shall have the sole authority to establish pension plans for employees of the District and its officers. Former employees of the Cities and Former Fire Districts shall be entitled to continue to participate in the pension plan in which they were participating before the effective date of this act with all benefits and rights provided by those plans. The retirement and pension plans of the Cities shall constitute an obligation and liability of the District and such plans shall continue to be administered according to their terms. The Commission may enhance, improve, reduce or eliminate prospective benefits to active participants or retirees in these plans. But in no event may the accrued benefits earned or actual benefits received decrease without the prior consent of the employee.

(iii) The District shall establish a merit system for all employees of the District.

(iv) Elimination of duplication of functions shall be addressed through attrition and reassignments to the extent possible, as determined by the District.

(b) Real Estate and Fire Protection Services Equipment. All real property, personal property, and equipment owned by the County, Cities and the Former Fire Districts and utilized to provide Fire Protection Services on the effective date of this act (together sometimes referred to as "Property") shall be conveyed to the District, and the District shall accept the conveyance thereof as provided in Article VII herein; provided however, if the Commission and the City or County owning the real property mutually agree, the District may lease the real property in lieu of a conveyance of the real property to the District, on such terms as mutually agreed to by the District, City or County.

(i) The real property to be transferred to the District is identified in Appendix A attached hereto.

(ii) All Property of the County and Cities shall be transferred to the District as provided in Article VII herein. The District shall pay the fair market value as of the date of conveyance, less any debt assumed as provided herein, to the City or County conveying the Property ("Grantor") as determined by a qualified appraiser as provided herein. The District and the Grantor shall utilize an appraiser jointly agreed to by the parties, and the cost of said appraisal shall be shared equally by the District and the Grantor. In the event the parties cannot agree on a single appraiser, then each shall select and pay for its own

qualified appraiser, and the consideration paid shall be the average of the two appraisals. The appraiser(s) valuing the Property shall determine value based on the actual use of the property and not the highest and best use.

(iii) All Property of the Former Fire Districts shall be transferred to the District as provided in Article VII herein.

(c) Debts of Former Service Providers. Any outstanding obligations or debts encumbering the Property shall be assumed by the District. When ad valorem taxes have been pledged to meet the debt service requirements of any bonds issued by the Former Service Providers which relate to the acquisition or improvement of the Property, or the lease thereof, the District shall levy taxes for the payment of such bonds only on the Property which is located in the area where Property was taxable for the payment of such bonds immediately prior to the effective date of this act.

(3) BOUNDARIES. The District shall be composed of all areas of Pinellas County, Florida.

(4) GOVERNING BOARD. The governing board of the District, hereinafter referred to as "the Commission," shall be composed of three (3) county commissioners appointed by the board of county commissioners, and four (4) city elected officials, with the four most populous cities in the County appointing one member each, who when acting together as the governing board, shall not sit as a County or City elected official, but as members of the Commission. The term of appointment shall be for two (2) years; however, there is no limit on the number of terms an individual may serve.

Article IV. Powers and duties of the Commission. In the performance of its duties and in the execution of its functions under this act, the Commission shall have the powers to:

(1) Annually levy or impose: (i) an ad valorem tax upon taxable real and tangible personal property within the District in the same manner as other County and municipal ad valorem taxes are levied; (ii) service charges; or (iii) special assessments; provided that:

(a) the millage allocated to annual operating and maintenance expenses, and capital improvements and acquisitions of the District shall not exceed 3.0 mills; and

(b) the millage allocated to debt service shall not exceed the amount necessary to pay the principal of, and interest on, bonds issued under subsections (4) and (5).

(2) Purchase, lease, construct, or otherwise acquire capital projects related to Fire Protection Services and facilities in the name of the District.

(3) Appropriate and expend revenue of the District, subject to the limitations of this act.

(4) Issue limited tax bonds, notes, any other certificates of indebtedness, or any form of limited tax or bond anticipation notes or certificates payable from all or any portion of the 1.0

mill capital improvement millage if approved by vote of the electors voting in a referendum held pursuant to Section 4 of this act, but only when the proceeds of such bonds, notes, certificates of indebtedness, or tax or bond anticipation notes or certificates are used to finance or refinance capital projects related to Fire Protection Services or facilities of the District, including acquisition of the Property. In issuing such bonds or other forms of indebtedness, the governing board may pledge the faith and credit of the District for service of the debt to be incurred, up to the 1.0 mill limit.

(5) Issue bonds, notes, any other certificates of indebtedness, or any form of tax or bond anticipation notes or certificates payable from all or any portion of the ad valorem tax revenues of the District, if such indebtedness is approved by vote of the electors voting in a referendum held pursuant to law, but only when the proceeds of such bonds, notes, certificates of indebtedness, or tax anticipation notes or certificates are used to finance or refinance capital projects related to Fire Protection Services or facilities of the District. Bonds issued hereunder shall be payable from taxes to be levied on all taxable property in the District without limitation as to rate or amount. In issuing such bonds or other forms of indebtedness, the governing board may pledge the full faith and credit of the District for service of the debt to be incurred.

(6) Issue revenue bonds payable from the proceeds of any service charges, special assessments, fees, charges, fines, rentals, grants, or other sources of revenue (except ad valorem taxes) which may be or may become available to the District and, in connection therewith, to pledge such revenues to the payment of such revenue bonds; make all customary or necessary covenants for the security of such revenue bonds, including covenants to assure the adequacy of such revenues and the proper collection, holding, and disposition thereof; agree to pay some or all expenses of maintenance and operation from sources other than pledged revenues, and not to diminish the rate of taxation available therefore; capitalize interest and reserves in such amounts as the governing board may deem necessary; pay all costs of issuance of such bonds, including fiscal, legal, bond issuance, and printing expenses, from bond proceeds or other sources; and apply the proceeds of said revenue bonds to the payment of the cost of any or all facilities or property (real or person) which the District is empowered to acquire, including all architectural, legal, engineering, and other professional costs incurred in connection therewith, or to the refunding of previously issued revenue bonds.

(7) Appoint members to the Fire Protection Services Advisory Council.

(8) Exercise powers of eminent domain over private property pursuant to law, but only where such property will be used for a public purpose related to Fire Protection Services and facilities.

(9) Provide for the management, administration, operation, supervision, oversight and maintenance of all fire protection facilities, and the services, programs and functions thereof, for the benefit of the residents of the District.

(10) Purchase, lease, or otherwise acquire and dispose of property, and generally take all other actions regarding such property as may be necessary in the prudent management, operation and maintenance of District services and facilities.

(11) Employ or hire such personnel, consultants and technical and professional assistants as necessary.

(12) Retain attorneys, auditors, accountants, architects, engineers, and other consultants and professionals, pursuant to applicable general law.

(13) Contract with any County, city or special district for the provision of Fire Protection Services within or outside the District.

(14) Contract to provide Fire Protection Services in an area within the District on a contract management basis. The entity receiving said management contract will operate under the direction of the commission, carrying out such policies and programs as may be deemed necessary by the District.

(15) Apply for and accept any grant of money or property from any governmental body or private organization and enter into contracts incidental thereto.

(16) Make and enter into contracts and agreements.

(17) To hold public hearings and sponsor public forums.

(18) To sue and be sued in its own name.

(19) To determine minimum service levels, as defined by the Insurance Services Office for Pinellas County on a countywide basis.

(20) To prepare an annual budget, using the same fiscal year as that of the County, and to cause an annual audit of the District to be made to determine how funds expended for Fire Protection Services provided under this act have been expended as required by applicable general law.

(21) To establish uniform standards as to the size of water lines and the distribution of fire hydrants, and to direct all local governments and utilities in Pinellas County to adopt regulations complying with same.

(22) To compel adherence throughout the County to the provisions and requirements of the Florida Fire Prevention Code, or to the fire and building codes established by the municipalities if the fire and building codes of said municipalities contain standards equivalent to or more stringent than the Florida Fire Prevention Code.

(23) Adopt rules for the regulation of its affairs and the conduct of its business and perform all other acts necessary to enable the governing board to properly carry out the purposes of this act.

(24) Exercise all other reasonable and necessary powers as required to provide Fire Protection Services.

Article V. There is hereby also created a Fire Protection Services Advisory Council, hereinafter called "the Council," to consist of not more than fifteen (15) members appointed by the governing board from a broad spectrum of representatives from the fire services community. The term of appointment shall be for two (2) years; however, there is no limit on the number of terms an individual may serve. The Director of Fire Protection Services for Pinellas County shall be a non-voting member of the Council. It shall be the responsibility of this Council to make recommendations on the transition process, evaluate the District's countywide Fire Protection Services system from a qualitative point of view, to review the operations on a countywide basis, to recommend requirements and programs, to review and evaluate studies commissioned by the District upon the District's request, to make such recommendations as may be necessary on needs, problems and opportunities relating to Fire Protection Services, and to carry out such other duties as may be required to insure the delivery of quality countywide Fire Protection Services as reasonable cost as determined by the District.

Article VI. Prohibition on taxing power. As long as the District levies the ad valorem tax authorized by this act, the Former Service Providers and all other taxing authorities within the boundaries of the District are hereby prohibited from levying any tax for Fire Protection Services or facilities.

Article VII. Transition Provisions.

(1) The appointments to the Commission shall be made by the appointing authorities no later than December 31, 2006. The Commission shall conduct an organizational meeting no later than January 15, 2007, shall elect a Chairman, Vice-Chairman and such other officers as deemed necessary by the Commission, and shall adopt rules of procedure. The Commission shall appoint the Council to aid in the transition by January 31, 2007. During the 2007 calendar year, the Commission shall hold such public meetings as it deems necessary to adopt an annual budget, hire employees and consultants, implement pay plans, inventory, value and take control of the Property, negotiate and approve contracts, adopt regulations relating to the provision of Fire Protection Services, and take all other actions or make such approvals as may be necessary to provide Fire Protection Services.

(2) The District shall begin providing Fire Protection Services and facilities no later than January 1, 2008. In furtherance of providing said services:

(i) The County and Cities owning Property shall complete the valuation of the Property on or before October 1, 2007, and the County and Cities shall convey the Property to the District no later than December 31, 2007, unless otherwise agreed to in a lease or interlocal agreement approved by the respective parties.

(ii) The Property of the Former Fire Districts shall be assumed by the District as provided in Section 2 of this act.

(3) All officers, officials, employees, departments and agencies of the Former Service

Providers shall cooperate with and assist in planning for the transition to the District in order to ensure that the transition shall be accomplished in the most orderly fashion possible.

Section 2. Dissolution of Independent Special Districts.

(1) Effective December 31, 2007, the following special independent districts are hereby abolished and their duties shall be assumed by and be the sole responsibility of the Pinellas County Countywide Fire Protection District: (i) Palm Harbor Special Fire Control and Rescue District; (ii) Eastlake Tarpon Special Fire Control District; (iii) Lealman Special Fire Control District; and (iv) Pinellas Suncoast Fire & Rescue District.

(2) The assets and obligations of the independent special districts set out above shall be assumed by the Pinellas County Countywide Fire Protection District as provided in Section 1 of this act on January 1, 2008.

Section 3. Initial Funding. The board of county commissioners is authorized to expend from the County general fund such sums as are necessary and desirable for the creation and maintenance of the District created pursuant to this act, said funds to be expended solely for the purpose of creating and maintaining the District pending levy and collection of the initial ad valorem tax proceeds provided by this act. The District shall reimburse the board of County commissioners the funds so expended upon receipt of the first proceeds of such tax collected by the fire control District. All monies so expended from the County general fund shall be included in the millage to be computed pursuant to Section 1 of this act so that the County shall be fully reimbursed for all funds advanced pursuant to this section.

Section 4. Sections shall take effect upon this act becoming a law. Sections 1, 2 and 3 of this act shall take effect only upon approval by a majority vote of the electors of Pinellas County voting in a referendum election. The board of county commissioners of Pinellas County shall call an election for the establishment of a countywide special fire control district to provide countywide Fire Protection Services. Said election shall be conducted in accordance with the applicable provisions of Florida law and shall be called in conjunction with the general election to be held in November, 2006. The question on the ballot shall be worded in substantially the following form:

BALLOT TITLE: CREATION OF A SINGLE COUNTYWIDE FIRE PROTECTION SERVICES DISTRICT.

Countywide Fire Standards Charter Amendment by Special Act

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

Section 1. Article II, Section 2.04(l) of the Home Rule Charter for Pinellas County as created by Chapter 80-590, Laws of Florida, is amended to read:

Sec. 2.04. Special Powers of the County

(l) Coordination and implementation of fire protection for the unincorporated areas of the county, and establishment of a countywide fire protection services plan, which shall at a minimum include service delivery areas designed to provide the most cost efficient and effective fire protection system within the area based upon standards of coverage established by the board of county commissioners within each planning area after review and recommendation of the area fire protection service providers; provided nothing herein shall authorize the board of county commissioners to abolish any municipal fire department.

Section 2. Section 6.05 is added to Article VI of the Home Rule Charter of Pinellas County as created by Chapter 80-590, Laws of Florida, as amended by Chapter 99-451, Laws of Florida, to read:

Notwithstanding any other Section of the Pinellas County Charter, including Section 6.04, the charter amendment to Sections 2.04(1) provided for herein shall not be subject to the requirement that a change in function, service, power, or regulatory authority may only occur after approval of a vote of the electors of each transferor and approval of a vote of the electors of each transferee. Approval of the charter amendment to Section 2.04(1) shall take effect only upon the approval by a majority vote of those qualified electors of Pinellas County voting in the general election to be held in November 2006, as provided in Section 3 herein.

Section 3. Section 3 of this act shall take effect upon this act becoming a law. Sections 1 and 2 of this act shall take effect only upon approval by a majority vote of the electors of Pinellas County, voting in a referendum election. The board of county commissioners of Pinellas County shall call an election for the consideration of these charter amendments to be conducted in accordance with the applicable provisions of Florida law, and to be held in conjunction with the general election in November, 2006. The question on the ballot shall be worded in substantially the following form:

BALLOT TITLE: CHARTER AMENDMENTS RELATING TO COUNTYWIDE FIRE PROTECTION PLANNING, COORDINATION AND REGULATORY AUTHORITY.

BALLOT QUESTION: Shall the Pinellas County Charter be amended to provide that countywide fire protection planning, coordination and regulation is a special power of the County which power can be established without the dual voting requirements of Section 6.04 of the Pinellas County Charter.

___ YES For Approval
___ NO For Rejection

Section 4. This act shall take effect upon becoming a law.

Approved by the Governor _____
Filed in Office Secretary of State _____

DRAFT

CHAPTER 05-___

Abolishment of Independent Districts
Special Act

___ Bill No. ___

An act relating to Pinellas County; declaring legislative intent and purpose; providing for the merger of independent fire districts, succession;; establishing a Fire Protection Services Advisory Council; providing transition provisions;

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

Section 1. Pinellas County Countywide Fire Protection District.

Article I. Declaration of legislative intent and purpose.

(1) The legislature finds and declares that it is mandatory to protect the life and property of all citizens of Pinellas County by providing a means of establishing fire protection within the County in the most efficient and effective manner, as well as promoting improved fire prevention throughout the County.

(2) The legislature further finds and declares that with a myriad of fire service providers in Pinellas County, it is essential that a permanent single fire protection authority be created which can overcome existing deficiencies in order to provide comprehensive, consistent fire protection services for; eliminate inadequately funded fire departments and the lack of a cohesive fire protection plan for the county as a single unit; and offer fire protection services to the unincorporated areas and participating cities as provided herein.

(3) It is the intent of this act to dissolve existing independent fire districts in the event that the Board of County Commissioners establishes one or more dependent fire districts as municipal service taxing districts for unincorporated areas of Pinellas County that encompass an independent fire district, which dependent fire districts can also offer fire protection services to participating cities, to implement objectives, which shall include but not be limited to the following:

(a) The consolidation and extension of fire protection to residents of Pinellas County.

(b) The utilization of necessary personnel and facilities and the upgrading of present facilities to meet the growing responsibilities of an expanded population in all areas of the county that are provided fire protection services through the district created herein, and to achieve higher local service ratings in an effort to achieve lower insurance rates.

(c) Providing for a single point of coordination, management and command in the delivery of fire protection services to unincorporated residents of this county.

Article II. Definitions. For purposes of this act, the following definitions of terms shall apply:

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(1) "Cities" means the following municipal governments in Pinellas County: Town of Belleair; City of Belleair Beach; City of Belleair Bluffs; Town of Belleair Shore; City of Clearwater; City of Dunedin; City of Gulfport; City of Indian Rocks Beach; City of Kenneth City; Town of Indian Shores; City of Largo; City of Madeira Beach; Town of N. Redington Beach; City of Oldsmar; City of Pinellas Park; Town of Redington Beach; Town of Redington Shores; City of Safety Harbor; City of Seminole; City of St. Pete Beach; City of St. Petersburg; City of South Pasadena; City of Tarpon Springs; and City of Treasure Island.

(2) "County" means Pinellas County, a political subdivision of the State of Florida.

(3) "Encompassing Dependent District" Any dependent fire district established by the Board of County Commissioners the boundary of which encompasses the unincorporated areas of one or more of the Former Fire Districts.

(3) "Fire Protection Services" means the response of firefighting apparatus, units and personnel to the scene of a fire, life safety emergency, man-made or natural disaster or public service request. Fire Protection Services include the command and control of the emergency scene, the containment of any fire and the mitigation of any hazards and may include specialized rescue, rescue response service, and related services including fire and arson investigation, inspections and code enforcement and public education.

(4) "Former Fire Districts" means the following independent special districts in Pinellas County: Eastlake Tarpon Special Fire Control District; Lealman Special Fire Control District; Palm Harbor Special Fire Control District; and Pinellas Suncoast Fire & Rescue District.

Article III. Establishment; boundaries; succession; merger of former fire districts; governing board.

(1) ESTABLISHMENT. In the event that pursuant to Section 125.01(q) Florida Statutes, the Board of County Commissioners creates one or more municipal service taxing units for the purpose of providing Fire Protection Services and facilities for the citizens of unincorporated citizens, and to the extent that any one of the municipal services taxing units is an Encompassing Dependent District, any Former Fire District so encompassed shall stand dissolved one year after the effective date of the encompassing municipal services taxing unit subject to the merger provisions of subsection (2) immediately below.

(2) MERGER OF FORMER FIRE DISTRICTS.

(a) In the event that pursuant to Section 125.01(q) Florida Statutes, the Board of County Commissioners creates one or more municipal service taxing units for the purpose of providing Fire Protection Services and facilities for the citizens of unincorporated citizens, and to the extent that the municipal services taxing district is an Encompassing Dependent District the Former Fire Districts so encompassed, if more than one, are hereby merged together and consolidated into and with the Encompassing Dependent District, and their duties shall be assumed by and be the sole responsibility of the Encompassing Dependent District; provided

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however, to the extent that an Encompassing Dependent District encompasses unincorporated areas of the Pinellas Suncoast Fire & Rescue District, that Encompassing Dependent District so created shall be responsible for providing Fire Protection Services in the unincorporated areas only of the Pinellas Suncoast Fire & Rescue District, and any Cities located within the Pinellas Suncoast Fire & Rescue District upon the date of the merger may elect to either provide Fire Protection Services or participate in the District as provided in Section 125.01(q).

(b) The assets and obligations of the independent special districts set out above shall be assumed by the encompassing dependent fire district as provided herein upon the merger provided for herein.

(4) SUCCESSION. The Encompassing Dependent District created by the Board of County Commissioners shall succeed to and possess all the properties, rights, capacities, privileges, powers, franchises and immunities relating to the provision of Fire Protection Services, and be subject to all of the liabilities, obligations and duties relating to the provision of Fire Protection Services, for the encompassed Former Fire Districts in accordance with the following provisions:

(a) Employees. All employees providing Fire Protection Services, who by reason of the merger provisions of subsection (2) become employees of the Pinellas County shall have the same rights of continued employment at the salary and benefits as provided herein.

(i) As provided for in the County's Unified Personal System the County shall implement a pay and classification plan that ensures fair and equitable compensation.

(ii) For purposes of providing retirement benefits, the County shall have all such rights to establish, administer and maintain retirement and pension plans as provided herein pursuant to Chapter 121, Florida Statutes. The District shall have the sole authority to establish pension plans for its employees. Former employees of the Cities that are included within the District, and Former Fire Districts, shall be entitled to continue to participate in the pension plan in which they were participating before the effective date of this act with all benefits and rights provided by those plans. The retirement and pension plans shall constitute an obligation and liability of the County and such plans shall continue to be administered according to their terms. The County may enhance, improve, reduce or eliminate prospective benefits to active participants or retirees in these plans, but in no event may the accrued benefits earned or actual benefits received decrease without the prior consent of the employee.

(iii) Elimination of duplication of functions shall be addressed through attrition and reassignments to the extent possible, as determined by the Board of County Commissioners.

(b) Real Estate and Fire Protection Services Equipment. All real property, personal property, and equipment owned by the County and the encompassed Former Fire Districts in an Encompassing Dependent District and utilized to provide Fire Protection Services on the

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effective date of the merger and consolidation of the Former Fire Districts with the Encompassing Dependent District (together sometimes referred to as "Property") shall become the property of the Encompassing Dependent District. If the dependent district and any governmental entity owning the real property mutually agree, the dependent district may lease the real property, on such terms as mutually agreed to. The real property to be transferred to the District is identified in Appendix A attached hereto.

(c) Debts of Former Fire Districts and County. Any outstanding obligations or debts encumbering the Property shall be assumed by the Encompassing Dependent District. When ad valorem taxes have been pledged to meet the debt service requirements of any bonds issued by the Former Fire Districts, the County or any participating City which relate to the acquisition or improvement of the Property, or the lease thereof, the Encompassing Dependent District shall levy taxes for the payment of such bonds only on the Property which is located in the area where Property was taxable for the payment of such bonds immediately prior to the effective date of this act.

(d) In the event that the Board of County Commissioners either divides or merges any dependent fire districts, the succession provisions established by the Board of County Commissioners shall govern the assumption of assets and obligations of the Former Fire Districts.

(5) GOVERNING BOARD. The governing board of the Encompassing Dependent District shall be the Pinellas County Board of County Commissioners

Article V. There is hereby also created a Fire Protection Services Advisory Council, hereinafter called "the Council," to consist of not more than fifteen (15) members appointed by the Commission from a broad spectrum of representatives from the fire services community. The term of appointment shall be for two (2) years; however, there is no limit on the number of terms an individual may serve. The Director of Fire Protection Services for Pinellas County shall be a non-voting member of the Council. It shall be the responsibility of this Council to make recommendations on the transition process, evaluate the District's countywide Fire Protection Services system from a qualitative point of view, to review the operations on a countywide basis, to recommend requirements and programs, to review and evaluate studies commissioned by the Board of County Commissioners to make such recommendations as may be necessary on needs, problems and opportunities relating to Fire Protection Services, and to carry out such other duties as may be required to insure the delivery of quality countywide Fire Protection Services as reasonable cost as determined by the Board of County Commissioners.

Article VI. Transition Provisions. Transition provisions shall be as established by the Board of County Commissioners.

Section 4. This act shall take effect upon becoming a law.

Approved by the Governor _____.

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