



MEMORANDUM

TO: Pinellas County Charter Review Commission

FROM: Kurt Spitzer

DATE: January 24, 2006

RE: Meeting Information – January 30, 2006

The purpose of this Memorandum is to provide you with information concerning your meeting set for Monday, January 30, 2006.

1. Schedule and Remaining Meeting Dates

If the business of the CRC is not completed during the meeting of January 30th, then February 20, 2006 has been identified as a tentative date for the final meeting to take substantive actions. Thereafter, you must hold three public hearings separated by not less than ten (10) but not more than twenty (20) days prior to submitting your Final Report and ballot measures to the County Commission. Those hearings would presumably begin in May.

2. Status of Amendment Concerning Manager's Employment Powers

A question arose during the January 9th meeting concerning what action, if any, had been taken regarding the adoption of a proposal clarifying the County Manager's authority to terminate senior staff. The issue was adopted by the CRC during your meeting of August 15, 2005 by a vote of 10-2.

3. Draft Amendments - Fire Services

Three proposals are attached concerning fire services. These are identical to those that have been provided to you for the past few meetings.

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 development 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 of assets, if necessary; the question of the District's responsibility for multiple pension systems; the appointment of its governing body, and so forth.

If you wish to pursue the single district option, staff can work on language addressing the technical questions and revise the Special Act prior to the CRC reconvening in May.

2. *Unincorporated Area Dependent District/Districts.* The CRC has previously discussed and rejected a draft proposal to provide for a single independent fire district in the unincorporated area. The attached proposal would abolish the four existing independent districts and transfer their assets and programmatic responsibilities to the County who would fund the program via an MSTU in the unincorporated area.

In this model, the Board of County Commissioners would serve as the governing body and fire protection services in the unincorporated area would be a service under the control of the county. Fire services could also be provided by the District to a city by contract or the boundaries of the dependent fire district could be expanded to include all or part of a city by consent of the city.

This model may be considered in tandem with the proposal to permit the County to set standards countywide.

3. *Countywide Fire Standards.* The third option authorizes the Board of County Commissioners 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 is necessary.

4. New Issues

Five draft amendments are attached for your consideration. You have discussed the concept of these proposals at various times over the past several months.

1. *Repeal 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 CRC may place this question directly on the November ballot.

One of the amendments recommended by the 1998 CRC was to abolish the requirement that future amendments to the charter need legislative approval as a Special Act in addition to being approved by the voters of the county. Prospective proposals concerning the county constitutional officers were removed from that amendment during debate in the CRC. The amendment containing the exception relating to the constitutional officers was then sent to the Legislative Delegation for their consideration.

At the Delegation meeting, an amendment to the amendment was introduced and adopted providing for the "dual vote" requirement to adopt charter provisions allowing the County Commission to adopt policy or set standards countywide.

The attached proposal would bring the Pinellas charter in line with all other county charters in Florida concerning the procedure used and the voters' ability to adopt amendments implementing countywide policy or standards. Remember that an amendment seeking to transfer assets or personnel from a city to the county will still be bound by the constitutional requirement for adoption by a dual vote.

2. *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 have been raised, such as the frequency with which other CRCs are constituted, their duration, membership and staffing. The CRC may place this question directly on the November ballot.

The draft amendment makes several changes to the charter concerning future CRCs. They are summarized in a table appended hereto.

The draft amendment retains the requirement that four elected officials serve on the CRC. As with other sections and features of the Pinellas County charter, this provision is an anomaly in Florida. Most charters contain policies that prohibit elected officials from serving on a CRC.

3. *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 monthly 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.

4. *Strategic Planning Council (Harrell)*. You have 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 or 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.

The draft amendment requires the creation of a Strategic Planning Council. The Council serves as a forum for the discussion and study of intergovernmental problems in Pinellas County. It may make recommendations to the county, the cities, a CRC or other entities. It is funded by the County and the four largest cities in the county.

The Council's governing body consists of four County Commissioners, and elected officials from the four largest cities, the Legislative Delegation and a county constitutional officer. Also, an elected official from a "north county" city and a "south county" city serve on an alternating basis.

5. *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 amendment authorizes consideration by the voters of an amendment to repeal the charter at some point in the future.

5. Draft Amendment - Annexation

Attached is a single proposal concerning annexation. It codifies the decisions made during your meeting of January 9, 2006. It is presented as a single Special Act for convenience only. You could keep the proposal as a single bill or split it into two, three or some other number of independent measures.

Please contact me if you wish to discuss or have any questions.

enclosures

Fire Service

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.

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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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(1) 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

(1) 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 _____

New Business

Charter Amendment Dual Vote

PINELLAS COUNTY CHARTER REVIEW COMMISSION CHARTER AMENDMENT – DUAL VOTING REQUIREMENT

Article VI, Section 6.04 of the Pinellas County Charter, as created by Chapter 80-590 Laws of Florida, as amended, is hereby amended to delete the requirement that any change in function, service, power or regulatory authority requires approval of the electors of each transferor and transferee, as follows:

“Sec. 6.04. [Placement on ballot.]

Any other section of the Pinellas County Charter, chapter 80-590, Laws of Florida, notwithstanding, except for any proposed amendments affecting the status, duties, or responsibilities of the county officers referenced in §§ 2.06 and 4.03 of this Charter, charter amendments proposed under § 6.01 (proposed by Pinellas County Commission), § 6.02 (proposed by citizens' initiative), or § 6.03 (proposed by a Charter Review Commission) shall be placed directly on the ballot for approval or rejection by the voters and it shall not be a requirement that any such proposed amendments need to be referred to or approved by the Legislature prior to any such placement on the ballot. Such amendments proposed by the Board of County Commissioners must be approved by ordinance passed by a majority plus one member. The power to amend, revise, or repeal this Charter by citizens' initiative shall not include amendments relating to the county budget, debt obligations, capital improvement programs, salaries of county officers and employees, the levy or collection of taxes, or the rezoning of less than 5 percent of the total land area of the county.

(Laws of Fla. ch. 99-451, § 1)

Deleted: However, any charter amendment affecting any change in function, service, power, or regulatory authority of a county, municipality, or special district may be transferred to or performed by another county, municipality, or special district only after approval by vote of the electors of each transferor and approval by vote of the electors of each transferee.

This amendment shall take effect upon approval by a majority vote of the electors of Pinellas County voting in a referendum election on _____, 200__.

BALLOT TITLE: CHARTER AMENDMENT RELATING DUAL VOTING REQUIREMENT.

BALLOT QUESTION: Shall Section 6.04 of the Pinellas County Charter be amended to delete the requirement that any change in function, service, power or regulatory authority requires approval of the electors of each transferor and transferee.

[] YES FOR APPROVAL
[] NO FOR REJECTION

Summary – Draft Amendment Concerning Future CRCs

Topic	Current Charter	Proposed Amendment
Duration	7 months	At least 12 months, depending on when appointed by BCC
Expenses	Approved by majority vote of CRC	Clarifies that CRC may adopt procedures concerning approval of expenses
Frequency	Every 6 years	Beginning in 2012, every 8 years, coinciding with Presidential elections
Membership	13 members – Four must be elected officials, nine may not be elected officials.	13 members – Same as current charter but clarifies that staff of local government are prohibited from serving.
Next Meeting	2010	2012
Public Education	Provides that the CRC ceases to exist after delivery of amendments to BCC	Provides that the CRC may remain in existence through the date of the general election for the purpose of supervising educational efforts
Public Hearings	None required	Requires at least three hearings on proposed amendments, if any
Staffing	BCC shall provide space and staff.	Clarifies that the CRC may employ staff, retain consultants, etc.

Sec. 6.03. Charter review commission.

(a) Not later than June 1 of the year 2011 and every eighth year thereafter, there shall be established a charter review commission composed of thirteen (13) members. The members of the commission shall be appointed by the board of county commissioners of Pinellas County from the following groups:

Deleted: During the month of December, 1985 and every six (6) years thereafter,

- (1) One (1) member from the Pinellas County Legislative Delegation residing in Pinellas County;
- (2) One (1) constitutional officer;
- (3) One (1) member from the elected city officials;
- (4) One (1) member from the elected board of county commissioners;
- (5) Nine (9) members from the public at large, none of whom shall be an elected official or an employee of a local government or county officer.

Vacancies shall be filled within thirty (30) days in the same manner as the original appointments.

(b) Each charter review commission shall meet within 30 days after being appointed, for the purposes of organization. The charter review commission shall elect a chairman and vice-chairman from among its membership. Further meetings of the commission shall be held upon the call of chairman or any three (3) members of the commission. All meetings shall be open to the public. A majority of the members of the charter review commission shall constitute a quorum. The commission may adopt other rules for its operations and proceedings as it deems

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desirable. The members of the commission shall receive no compensation but shall be reimbursed for necessary expenses pursuant to law.

(c) Expenses of the charter review commission shall be verified pursuant to the rules of the commission and forwarded to the board of county commissioners for payment from the general fund of the county. The charter review commission may employ a staff, consult and retain experts, and purchase, lease, or otherwise provide for such supplies, materials, equipment and facilities as it deems necessary and desirable. The board of county commissioners may accept funds, grants, gifts, and services for the charter review commission from the state, the government of the United States, or other sources, public or private.

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Deleted: The board of county commissioners shall provide space, secretarial and staff assistance.

(d) The charter review commission shall review, on behalf of the citizens of Pinellas County, the operation of county government and the charter in order to recommend amendments to this Charter, if any.

(e) Each charter review commission established pursuant to this section shall complete its review and submit a report to the citizens of Pinellas County by July 31, 2012, and each eight (8) years thereafter. Included within the report shall be any proposed amendments to the Charter, together with the wording of the question or questions which shall be voted on at referendum. Proposed amendments may, at the discretion of the charter review commission, be included in a single question or multiple questions. If an amendment or revision to the charter is to be recommended, the charter review commission shall conduct three (3) public hearings, at intervals of not less than ten (10) days but not more than twenty (20) days, immediately prior to the transmittal of its recommendations to the board of county commissioners. The board of county commissioners shall call a referendum election to be held in conjunction with the 2012 general election and each eight (8) years thereafter, for the purpose of voting on the proposal or proposals submitted by the charter review commission. Notice of each such referendum, together with the exact language of the proposed amendment or amendments as submitted in the report of the charter review commission, shall be published by the board of county commissioners once a week for four (4) consecutive weeks in a newspaper of general circulation in the county, the first such publication being at least forty-five (45) days prior to the referendum. Passage of proposed

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amendments shall require approval of a majority of electors voting in said election on such amendment. The charter review commission may remain in existence until the general election for the purpose of conducting or supervising educational efforts concerning the proposed amendments but shall cease to exist as of the date of the general election.

Charter Amendment
Growth-Planning

PINELLAS COUNTY ORDINANCE NO. 06- _____

AN ORDINANCE OF THE COUNTY OF PINELLAS, PROVIDING THAT THE PINELLAS COUNTY CHARTER BE AMENDED BY REVISING SECTION 2.04(s) OF SAID CHARTER TO EXPAND THE COUNTY-WIDE PLANNING AUTHORITY TO ACQUIRE, ANALYZE AND MAKE AVAILABLE, INFORMATION DEEMED BY THE BOARD TO BE CRITICAL TO THE MANAGEMENT OF GROWTH, DEVELOPMENT AND REDEVELOPMENT IN PINELLAS COUNTY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE AND REFERENDUM QUESTION

WHEREAS, the Pinellas County Charter, Section 2.04(s), establishes countywide planning authority of the County pursuant to special act of the legislature; and

WHEREAS, the Board of County Commissioners, with that countywide perspective, is uniquely situated to acquire, analyze and distribute information deemed to be critical to the proper management of growth, development and redevelopment in Pinellas County; and

WHEREAS, the 2005 Charter Review Commission believes the authority to acquire, analyze and distribute such information should reside in the Board of County Commissioners independent of the special act granting the Board countywide planning authority.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pinellas County, Florida:

Section 1: Section 2.04(s) of the Pinellas County Charter, as created by Chapter 80-590 of the Laws of Florida, as amended, is hereby amended to read as follows:

Sec. 2.04 Special Powers of the County.

- (s) Countywide planning authority as provided by special law. In the event of a conflict between a county ordinance adopted pursuant to the county's countywide planning authority as provided by special law and a municipal ordinance, the county ordinance shall prevail over the municipal ordinance; however, a municipal ordinance shall prevail over a county ordinance in the event a municipal ordinance provides for a less intense land use or a lesser density land use within the corporate boundaries of the municipality than that provided by county ordinance.

In furtherance of this countywide planning power, but specifically not dependent upon the special law granting same, the County or its contractor shall collect from all local governments in Pinellas County, analyze, and make available for distribution information indicative of growth in the county including, but not limited to, data on zoning, building permits, and certificates of occupancy and monthly analyze and distribute the data to the County and the municipalities. Any contractor providing these services shall be a public

or private academic institution.

Section 2. Codification The 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 3. Severability If any section, subsection, sentence, clause or phrase of this ordinance, is for any reason held illegal, invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the valid provisions thereof. The county hereby declares that it would have adopted this ordinance, and each section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared illegal, invalid or unconstitutional. The invalidity of any portion of the ordinance shall not abate, reduce, or otherwise affect any consideration or obligation required thereunder.

Section 4. Effective Date; Referendum Question Except for this section, which shall take effect only upon becoming law, this Ordinance shall take effect upon the approval of this 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: AMEND COUNTY CHARTER TO PROVIDE SPECIAL POWER TO COLLECT, ANALYZE, AND DISTRIBUTE COUNTY GROWTH INFORMATION

BALLOT QUESTION: Shall Section 2.04(s) of the Pinellas County Charter be amended to give the Board of County Commissioners countywide authority to collect, analyze and make available for distribution information indicative of growth in the County?

[] YES FOR APPROVAL

[] NO FOR REJECTION

Draft Amendment - Strategic Planning Council

Section 6.xx

(a) There is hereby created the Pinellas County Strategic Planning Council, hereinafter referred to as the "Council." The Council shall serve as a forum for the discussion and study of intergovernmental problems in Pinellas County. It shall evaluate the interrelationships between and among the cities and county government in Pinellas County in the provision of public services, and prepare studies and recommendations to improve organizational structure, operational efficiency, allocation of functional responsibility, and cooperation in the delivery of services.

(b) The governing body of the Council shall be composed of elected officers selected from the following entities:

1. Four members, one each from the cities of St. Petersburg, Clearwater, Largo and Pinellas Park. The appointment of such members of the Council shall be made by the governing body of each named jurisdiction.
2. Four members of the Pinellas County Board of County Commissioners, appointed by the Board of County Commissioners.
3. One county constitutional officer, appointed by majority vote of all of the county constitutional officers.
4. One member of the Pinellas County Legislative Delegation, providing that the appointee resides in Pinellas County.
5. On an alternating basis for a term of one year, one elected municipal representative from a city located north of Ulmerton Road and one municipal representative from a city located south of Ulmerton Road, as selected by the Council of Mayors based on recommendations from the

eligible municipalities. However, said appointees may not be from the cities of St. Petersburg, Clearwater, Largo or Pinellas Park.

(c) The Council shall select a Chair and Vice-Chair from its membership. The Council shall adopt operating rules and procedures.

(d) The Council may hire staff, retain advisors and consultants, rent space and purchase equipment. The Council may appoint sub-committees and study committees.

(e) By a two-thirds vote of its entire membership, the Council shall prepare and adopt an annual budget and plan of work. The expenses of the Council shall be borne in equal amounts by the County and the cities named in subsection (b)(1) herein. The Council's fiscal year shall begin on the first day of October of each year.

(f) Recommendations of the Council shall be adopted by a three-fourths vote of its entire membership and may be delivered to the Board of County Commissioners, municipal governments in Pinellas County, the Pinellas County Legislative Delegation, future Charter Review Commissions, or other similar entities, for their consideration and action.

Special Act Charter Repeal

PROPOSED SPECIAL ACT

A bill to be entitled

An act relating to Pinellas County; amending chapter 80-590, Laws of Florida; amending home rule charter of the county to provide for local power to repeal the Charter without future reference to the Legislature; providing for a referendum; providing for an effective date.

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

Section 1. Section 6.01 of Article VI of the Home Rule Charter for Pinellas County, Florida, as created by chapter 80-590, Laws of Florida, is amended as follows:

Article VI, Charter Amendments.

Sec. 6.01. Proposed by county.

The board of county commissioners by ordinance passed by an affirmative vote of not less than majority plus one (1) member shall have the authority to propose amendments to this Charter or to propose the repeal of the Charter. Any such amendment to or repealer of the Charter shall be subject to referendum at the next scheduled countywide election; provided, however, the board of county commissioners may call a special referendum election for said purpose. Said referendum shall be called by the board of county commissioners and notice of said referendum, together with the exact language of the proposed amendment or repealer, shall be published once a week for four (4) consecutive weeks in a newspaper of general circulation in

the county, the first such publication being at least forty-five (45) days prior to the referendum.

Passage of proposed amendments to or repeal of the Charter shall require approval of a majority of electors voting in said election on such amendment.

Section 2. Section 6.02 of Article VI of the Home Rule Charter for Pinellas County, Florida, as created by chapter 80-590, Laws of Florida, as amended, is amended as follows:

Article VI, Charter Amendments.

Sec. 6.02. Charter initiative.

1) Amendments to or repeal of the Charter may be proposed by a petition signed by registered electors equal to at least ten (10) percent of the number of registered electors of the county at the time of the last preceding general election. No more than forty (40) percent of those registered electors signing petitions shall reside in any one (1) at-large county commission district. No more than thirty (30) percent of those registered electors signing petitions shall reside in any one (1) single-member county commission district. Such petition shall be filed with the clerk of the circuit court in his capacity as clerk of the board of county commissioners, together with an affidavit from the supervisor of elections certifying the number of signatures which has been verified as registered electors of Pinellas County at the time the signature was verified. Each such proposed amendment or repealer shall embrace but one (1) subject and matter directly connected therewith. Each charter amendment or repealer proposed by petition shall be placed on the ballot by resolution of the board of county commissioners for the general election occurring in excess of ninety (90) days from the certification by the supervisor of elections that the requisite number of signatures has been verified. However, the County Commissioners may call a special referendum election for said purpose. Notice of said referendum, together with the

exact language of the proposed amendment or repealer as submitted on the petition, shall be published by the board of county commissioners once a week for four (4) consecutive weeks in a newspaper of general circulation in the county, the first such publication being at least forty-five (45) days prior to the referendum. Passage of proposed amendments to or repeal of the Charter shall require approval of a majority of electors voting in said election on such amendment.

2) The sponsor of a petition amendment or repealer shall, prior to obtaining any signatures, submit the text of the proposed amendment or repealer to the supervisor of elections, with the form on which the signatures will be affixed, and shall obtain the approval of the supervisor of elections of such form. The style and requirements of such form shall be specified by ordinance. The beginning date of any petition drive shall commence upon the date of approval by the supervisor of elections of the form on which signatures will be affixed, and said drive shall terminate one hundred eighty (180) days after that date. In the event sufficient signatures are not acquired during that one hundred eighty (180) day period, the petition initiative shall be rendered null and void and none of the signatures may be carried over onto another identical or similar petition. The sponsor shall submit signed and dated forms to the supervisor of elections and upon submission pay all fees as required by general law. The supervisor of elections shall within forty-five (45) days verify the signatures thereon. Notwithstanding the time limits hereinabove signatures on a petition circulated prior to one general election shall not be valid beyond the date of that election.

3) If approved by a majority of those electors voting on the amendment or repealer at the general election, the amendment or repealer shall become effective on the date specified in the amendment, or, if not so specified, on January 1 of the succeeding year.

Section 3. Section 6.03 of Article VI of the Home Rule Charter for Pinellas County, Florida, as created by chapter 80-590, Laws of Florida, as amended, is amended as follows:

Article VI, Charter Amendments.

Sec. 6.03. Charter review commission.

(a) During the month of December, 1985 and every six (6) years thereafter, there shall be established a charter review commission composed of thirteen (13) members. The members of the commission shall be appointed by the board of county commissioners of Pinellas County from the following groups:

- (1) One (1) member from the Pinellas County Legislative Delegation residing in Pinellas County;
- (2) One (1) constitutional officer;
- (3) One (1) member from the elected city officials;
- (4) One (1) member from the elected board of county commissioners;
- (5) Nine (9) members from the public at large, none of whom shall be an elected official.

Vacancies shall be filled within thirty (30) days in the same manner as the original appointments.

(b) Each charter review commission shall meet prior to the end of the third week in January 1986, and every six (6) years thereafter for the purposes of organization. The charter review commission shall elect a chairman and vice-chairman from among its membership. Further meetings of the commission shall be held upon the call of chairman or any three (3) members of the commission. All meetings shall be open to the public. A majority of the members of the charter review commission shall constitute a quorum. The commission may

adopt other rules for its operations and proceedings as it deems desirable. The members of the commission shall receive no compensation but shall be reimbursed for necessary expenses pursuant to law.

(c) Expenses of the charter review commission shall be verified by a majority vote of the commission and forwarded to the board of county commissioners for payment from the general fund of the county. The board of county commissioners shall provide space, secretarial and staff assistance. The board of county commissioners may accept funds, grants, gifts, and services for the charter review commission from the state, the government of the United States, or other sources, public or private.

(d) The charter review commission shall review, on behalf of the citizens of Pinellas County, the operation of county government and shall have the authority to recommend amendments to or repeal of this Charter.

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(e) Each charter review commission established pursuant to this section shall complete its review and submit a report to the citizens of Pinellas County by July 31, 1986, and each six (6) years thereafter. Included within the report shall be any proposed amendments to or repeal of the Charter, together with the wording of the question or questions which shall be voted on at referendum. Proposed amendments to or repeal of the Charter may, at the discretion of the charter review commission, be included in a single question or multiple questions. The board of county commissioners shall call a referendum election to be held in conjunction with the 1986 general election and each six (6) years thereafter, for the purpose of voting on the proposal or proposals submitted by the charter review commission. Notice of each such referendum, together with the exact language of the proposed amendment or amendments or repealer as submitted in the report of the charter review commission, shall be published by the board of county

commissioners once a week for four (4) consecutive weeks in a newspaper of general circulation in the county, the first such publication being at least forty-five (45) days prior to the referendum. Passage of proposed amendments to or repeal of the Charter shall require approval of a majority of electors voting in said election on such amendment or repealer.

Section 4.Section 6.04 of Article VI of the Home Rule Charter for Pinellas County, Florida, as created by chapter 80-590, and amended by chapter 99-451, Laws of Florida, is amended as follows:

Sec. 6.04. [Placement on ballot.]

Any other section of the Pinellas County Charter, chapter 80-590, Laws of Florida, notwithstanding, except for any proposed amendments affecting the status, duties, or responsibilities of the county officers referenced in §§ 2.06 and 4.03 of this Charter, charter amendments to or repeal of the Charter proposed under § 6.01 (proposed by Pinellas County Commission), § 6.02 (proposed by citizens' initiative), or § 6.03 (proposed by a Charter Review Commission) shall be placed directly on the ballot for approval or rejection by the voters and it shall not be a requirement that any such proposed amendments to or repeal of the Charter need to be referred to or approved by the Legislature prior to any such placement on the ballot. However, any charter amendment affecting any change in function, service, power, or regulatory authority of a county, municipality, or special district may be transferred to or performed by another county, municipality, or special district only after approval by vote of the electors of each transferor and approval by vote of the electors of each transferee. Such amendments or repealer proposed by the Board of County Commissioners must be approved by ordinance passed by a majority plus one member. The power to amend, revise, or repeal this Charter by citizens'

initiative shall not include amendments relating to the county budget, debt obligations, capital improvement programs, salaries of county officers and employees, the levy or collection of taxes, or the rezoning of less than 5 percent of the total land area of the county.

Section 5. A referendum election will be called pursuant to the Charter and Florida Statutes, and the ballot title and question shall be substantially as follows:

BALLOT TITLE: CHARTER AMENDMENT PROVIDING
LOCAL AUTHORITY TO REPEAL THE CHARTER
WITHOUT FUTURE REFERENCE TO THE LEGISLATURE.

BALLOT QUESTION: Shall sections 6.01, 6.02, 6.03, and 6.04
of the Pinellas County Charter be amended to provide for local
authority to repeal the Charter without future reference to the
Legislature, subject to referendum approval by vote of the
electorate?

Section 6. This Act shall take effect only upon its approval by a majority vote of those qualified electors of Pinellas County, Florida, voting in the referendum to be called by the Board of County Commissioners of Pinellas County to be held prior to December 31, 2006, in accordance with the provisions of law relating to elections currently in force, except that this Section shall take effect upon this Act becoming Law.

Annexation

Special Act-Charter Amendment
Annexation

PINELLAS COUNTY ORDINANCE NO. 06- _____

AN ORDINANCE OF THE COUNTY OF PINELLAS, PROVIDING THAT THE PINELLAS COUNTY CHARTER BE AMENDED BY REVISING SECTION 2.07 OF SAID CHARTER TO PROVIDE FOR AN ABILITY TO MODIFY ANNEXATION PROCEDURES BY SPECIAL ACT OF THE LEGISLATURE TO RESTRICT THE REQUIREMENTS FOR ANNEXING PROPERTY WITHOUT THE OWNER'S CONSENT; ENHANCE NOTICE AND RESTRICT THE EXPENDITURE OF PUBLIC FUNDS TO ENTICE ANNEXATION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE AND REFERENDUM QUESTION

WHEREAS, the Pinellas County Charter allows for annexation by municipalities except for limitations on voluntary annexations; and

WHEREAS, the 2005-2006 Charter Review Commission has heard testimony regarding the procedures used to annex properties without the owners consent and the use of public fund incentives to entice annexation; and

WHEREAS, having heard that testimony, the 2005-2006 Charter Review Commission has recommended that the state legislature adopt a special act that would protect property owners from the potential for individual harm presently built into the Florida Statutory annexation procedures; and

WHEREAS, the 2005-2006 Charter Review Commission has recommended that the Charter should be amended in advance of the legislative action, which amendment shall only become effective in the event that a special act to effectuate that such amendment is passed by the legislature; and

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pinellas County, Florida:

Section 1: Section 2.07 of the Pinellas County Charter, as created by Chapter 80-590 of the Laws of Florida, as amended, is hereby amended to add new subsections 1-5 to read as follows:

Sec. 2.07. Annexation.

Nothing in this Charter shall prevent a municipality from annexing an unincorporated area into its municipal boundaries, except that all annexations shall be in accordance with the exclusive method and criteria for voluntary municipal annexation, including the delineation of areas eligible for annexation, adopted by ordinance under the

authority elsewhere provided for in this Charter.

- 1) Notwithstanding any other provision of law, no municipality in Pinellas County may annex any unincorporated territory pursuant to Section 171.0413(6) Florida Statutes whose owner has not given express consent unless fifty percent (50%) of the boundary of such a parcel is surrounded by either incorporated properties of the annexing jurisdiction or property owners consenting to the proposed annexation and the total percentage of consenting property owners in the proposed annexation, on both a parcel and acreage basis, exceeds sixty-six percent (66%).
- 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 the consent required thereunder or as otherwise required by law pursuant to the following procedure:
 - a. Consent must be express and written and may be revocable up until the closing of the public hearing at the final adoption hearing before the local government.
 - b. Such consent shall be obtained by the party proposing the annexation and shall be secured no earlier than 60 days and no later than 30 days prior to any referendum required pursuant to Section 171.0413(5) Florida Statutes or, in the case of annexations pursuant to Section 171.0413(6) Florida Statutes, no earlier than 60 days and no later than 30 days prior to the final adoption of the required ordinance. The acreage of consenting special districts, municipalities, the county or the state may not count toward satisfaction of the percentage of property owner approval requirements contained in Section 171.0413(5) or (6) Florida Statutes or any other applicable law.
- 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 seven (7) years from the last date that such property was last subject to a referendum annexation.
- 4) 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. The notice shall refer the recipient to a phone number or website on the internet where, at a minimum, comprehensive information concerning the financial impact of the proposed annexation on an individual property can be obtained.

- 5) 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 may include, but not be limited to, and by way of example, cash or other expenditures or improvements that do not provide a paramount public purpose. Expenditures in furtherance of the closure of enclaves represent a public purpose.

Section 2. Codification The 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 3. Severability If any section, subsection, sentence, clause or phrase of this ordinance, is for any reason held illegal, invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the valid provisions thereof. The county hereby declares that it would have adopted this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared illegal, invalid or unconstitutional. The invalidity of any portion of the ordinance shall not abate, reduce, or otherwise affect any consideration or obligation required thereunder.

Section 4. Effective Date; Referendum Question Except for this section, which shall take effect only upon becoming law, this Ordinance shall take effect upon the approval of this 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 2, 2006 and subsequent passage of a special act of the Florida Legislature authorizing these exceptions to the application of general law. The ballot question for this amendment shall be as follows:

BALLOT TITLE: Amend County Charter and Approve Implementing Special Acts of the Legislature to Modify Annexation Procedures

BALLOT QUESTION: Shall Section 2.07 of the Pinellas County Charter be amended to restrict annexation without the owner's consent, require an informative mail notice prior to all non-voluntary annexations, restrict expenditure of public funds to entice annexation and shall special acts of the legislature be approved to implement said restrictions?

☐ YES FOR APPROVAL

☐ NO FOR REJECTION