

TO: Honorable Chairman and Members of the
Pinellas County Charter Review Commission

FROM: James L. Bennett, Chief Assistant County Attorney

THROUGH: Susan H. Churuti, County Attorney

SUBJECT: Annexation in Pinellas County

DATE: May 3, 2005

ANNEXATION CONTROLS GENERALLY The Florida Constitution provides that annexation can be by general or special law. General law establishes annexation procedures and criteria. Two general methods are established. General law also allows charter counties to amend their charters to provide for an exclusive method of voluntary annexation. Pinellas County's charter was amended to authorize the county to adopt an ordinance that established an exclusive method for voluntary annexation including the establishment of annexation boundaries.¹ The two general methods are:

1. Annexation by Referendum A municipality can propose an area for annexation, but then the area that is targeted must be scheduled for a referendum. If that area does not approve by majority vote in a referendum, the annexation does not occur. If a majority of the electors in the area approve, all areas within the proposed area are annexed regardless of their owner's individual vote. This form is commonly referred to as involuntary annexation because the majority rules. Because the Charter method adopted by Pinellas, by general law, only applies to voluntary annexations, the annexation boundaries adopted by the County do not control referendum annexations.

2. Voluntary Annexation An owner of property can petition a municipality to be annexed. The municipality then, by ordinance, may then annex that property.

Special procedures are provided for the annexation of enclaves through an interlocal agreement with the county. The county has not entered into any such agreements. Removal of property from a municipality (contraction) is governed by statute.

COUNTY CONTROL OVER ALL ANNEXATION: The County cannot obtain full control over annexation without legislative action. The general law that allows special act and charter methods² would have to be moved from the section governing voluntary annexation to the general preemption section so that it opens up all annexation/contraction issues to special act and charter provisions.

With that legislation in place it would then be necessary to secure either a charter amendment or a special act that granted expanded authority over all forms of annexation to the county.

¹ Sec. 2.04. Special powers of the county. (t) All powers necessary to establish by ordinance the exclusive method and criteria for voluntary municipal annexation, including the delineation of areas eligible for annexation, to the extent provided by general law.

² 171.044(4) The method of annexation provided by this section shall be supplemental to any other procedure provided by general or special law, except that this section shall not apply to municipalities in counties with charters which provide for an exclusive method of municipal annexation.